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**MAUI PLANNING COMMISSION
REGULAR MINUTES
SPECIAL MEETING – WEST MAUI CP
DECEMBER 8, 2020**

A. CALL TO ORDER

The special meeting of the Maui Planning Commission was called to order by Chairperson Lawrence Carnicelli at approximately 4:06 p.m., Tuesday, December 8, 2020, online via BlueJeans; Meeting ID: **159 300 741**

A quorum of the Commission was present. (See Record of Attendance.)

Mr. Lawrence Carnicelli: Thank you very much. Good afternoon everybody. The Maui Planning Commission special meeting of December 8th, 2020 is now in session. My name is Lawrence Carnicelli. I am the Chair. Also in attendance with us today is Vice Chair Christian Tackett.

Mr. Christian Tackett: Good evening.

Mr. Carnicelli: Good evening. Commissioner Kellie Pali.

Ms. Kellie Pali: Hello, everyone.

Mr. Carnicelli: Hello. Commissioner Kawika Freitas.

Mr. Kawika Freitas: Good afternoon Chair, Commissioners.

Mr. Carnicelli: Good afternoon. Commissioner Jerry Edlao.

Mr. Jerry Edlao: Good afternoon Chair and everybody else. Haven't seen you for a while.

Mr. Carnicelli: Yeah, that was a long break for us. Commissioner, Commissioner Stephen Castro.

Mr. Stephen Castro: Good afternoon Chair and Commissioners, Director.

Mr. Carnicelli: Good afternoon. Commissioner Dale Thompson.

Mr. Dale Thompson: Good afternoon Chair and all.

Mr. Carnicelli: And Commissioner P. Denise La Costa.

Ms. P. Denise La Costa: Aloha kakahiaka. No, no, no, aloha . . . (inaudible) . . . Good afternoon everyone.

Mr. Carnicelli: Good evening. Also, also let the record show that Commissioner Melvin Hipolito is excused for this meeting. We do have a quorum. Also in attendance with us is Director Michele Chouteau McLean.

Ms. Michele McLean: Good afternoon Chair.

1 Mr. Carnicelli: Good afternoon. Also with, with us from Long Range Planning is Jen Maydan.

2
3 Ms. Jennifer Maydan: Good afternoon Chair and Commissioners.

4
5 Mr. Carnicelli: Good afternoon. And Pam Eaton. I don't think you unmuted yourself, Pam, but we
6 saw you.

7
8 Ms. Pamela Eaton: It's a gift.

9
10 Mr. Carnicelli: And I believe that Michael Hopper is not in attendance. However, he is on-call
11 should we need to address Corporation Counsel. So, so just so everybody is aware, so this is our
12 final scheduled meeting for the West Maui Community Plan draft. All sections are on the table
13 today. They are all agendized. What we're going to do is basically approve the plan or not approve
14 the plan. And then whatever it is we do after there, we still basically are six months is up and we're
15 going to basically we're, we're sort of forced to then move it onto the County Council and it goes
16 on to the next step.

17
18 So what we'll do is we'll take public testimony first. And then after we take public testimony, then
19 the Commission, we will go ahead and deliberate. And Commissioners, this is sort of what my, I
20 think, in trying to just do this as expeditiously as we can, what we'll do is hopefully you guys have
21 written out. If you have changes or if we some testimony and, you know, you then say, okay, I like
22 that, whatever, that, you know, one of the testifiers gives, and you want to go ahead and introduce
23 that as a change to the plan. We're going to just do what we normally do. I'll start with one of you
24 and we'll just go around the horn, get one or two changes and please just tell us. Let's not try to
25 discuss things too terribly long, but we'll just say, hey, listen, this is the change. Kind of give us
26 the reasons why, if we want a little bit of discussion, and we'll vote it up or down. We either make
27 the change or don't, and we'll just move on. And hopefully after everybody's giving us their mana'o,
28 and we then do that, we can, can move through this and be, be done with our version or our, our,
29 our part in this.

30
31 The other part that I do want, you know, since everything's on the table, is everybody else also
32 understand that our role in this is not to look at this through the lens of the West Maui residents,
33 but to look at this through the lens of the island of Maui in total. That's, at least, you know, we've
34 had this discussion a number of times through the course of this process as far as why is the
35 Planning Commission get this, get a chance at this is that's to basically kind of look at things from
36 a broader perspective before it goes to politicians.

37
38 So with that being said, when you guys come forward to testify, if you would like to testify, please
39 use the chat function to let the Director know that you would like to testify. Please do not use the
40 chat function for discussion and, or, testimony to refute, rebut, have discussion. The chat function
41 is essentially just to let people know or let the Director know -- I'm sorry -- let Jen know that you
42 would like to testify. Please keep yourselves muted, your video and your audio, until you're asked
43 to call, you're asked to testify. When you do that, you can unmute yourself, come forward and
44 testify. If we have questions for you, then we'll have questions for you at that time.

45

1 Also, trying to think. I feel like I'm forgetting something. Jen, Pam, Michele, am I missing
2 something as well? Go ahead, Jen.

3
4 Ms. Maydan: I think you've covered everything Chair. But if you and the Commissioners were to
5 humor us, could we take one second to do a screenshot? We, you know, all of our processes, we
6 take pictures and this is an incredibly new situation, so if you would all be willing, could we just do
7 a quick screen, screen shot, if that's all right?

8
9 Mr. Carnicelli: Sure. You could do that all along the way just as we're going here. Just keep screen
10 shot over and over again.

11
12 Ms. Maydan: We're giving you an opportunity to not make a crazy face.

13
14 Mr. Carnicelli: Okay. Okay, fair enough.

15
16 Ms. Maydan: All right, Kate, you're doing this. How about you give us a little count down, Kate.

17
18 Ms. Kate Blystone: I'll give you a countdown. Ready? One, two, three. Oh, hold on. Keep, just
19 keep smiling. Just keep smiling. You guys are so cute. Well done. Nice work. Yay. Okay, I think
20 we got it. Perfect.

21
22 Ms. Maydan: Thank you, Chair. Thank you, Commissioners.

23
24 Mr. Carnicelli: Well, Kate, I think it's fine . . . (inaudible) . . .

25
26 Ms. Maydan: Otherwise, I think we got you it all, Chair.

27
28 Mr. Carnicelli: On my screen, Kate, you came up, so you took a screenshot with you in it, as far
29 as for my end.

30
31 Ms. Blystone: Well I see you all, so we're in good shape.

32
33 Mr. Carnicelli: There we go. There we go. Okay, thank you, ladies. Director, do you have anything
34 else you'd like to add?

35
36 Ms. McLean: No, I don't have anything to add, Chair, and I'm glad I was not in the photo.

37
38 Mr. Carnicelli: Oh, you know, one other thing, just for testifiers to help you help us is because
39 what we're going to be doing is just going straight to a page, and a policy, or an action, or a
40 paragraph. So if you could in your testimony say, hey, listen, I'm talking about page 144, or say
41 132, action number 126, and this is the change that I would like, that's helpful for us because you
42 all get three minutes. You don't get three minutes in fifteen seconds. You don't get four minutes.
43 You don't get you know, it's just like you get three minutes just to be fair to everybody. So that is
44 if you could be as pointed as you are, as direct as you are, that's helpful for us to help you get
45 basically what it is that you would like if there are changes or corrections. Or, if you just want to

1 tell us what a great plan it is, that's fine, too. So anyways, with that being said, Jen, who's our first
2 testifier.

3
4 Ms. Maydan: Chair, your first testifier is Howard Hanzawa, followed by Karen Comcowich.

5
6 Mr. Carnicelli: Mr. Hanzawa, if you can go ahead and unmute yourself, and if you also wish to
7 unmute your video.

8
9 Mr. Howard Hanzawa: Is the unmute on the bottom?

10
11 Mr. Carnicelli: Yeah, we can hear you. We got you.

12
13 Mr. Hanzawa: Oh, you can hear me?

14
15 Mr. Carnicelli: Yeah.

16
17 Mr. Hanzawa: Okay, good. Okay. Good afternoon. I am Howard Hanzawa, who retired from
18 Kaanapali Land Management Corp in 2012. I helped to facilitate the meetings of Kaanapali 2020.
19 It was a group which were attended by hundreds of community members over the years since the
20 monthly meetings started in 1999. The community group set the priorities and goals for Kaanapali
21 2020. They envisioned a new community which would fulfill the needs for health care, health care,
22 cultural facilities, parks, churches, schools and even a cemetery. They also designate over 2,500
23 acres of the mauka lands to remain in agriculture and open space. One of their top priorities was
24 to build affordable housing for working families. Many of the community members worried where
25 their children and grandchildren could live. There just isn't enough affordable housing in West
26 Maui, even though the region is an economic engine with many workers.

27
28 It is a very sad situation that Maui has fallen so far behind in building housing for its workers. 600
29 plus students graduate from our high schools every single year. Many of them eventually want to
30 have a house of their own. But in eight years from 2006, there were only five affordable homes
31 that were built, not the hundreds or even the thousands needed, but only five, and none in West
32 Maui. Kaanapali 2020 wants to fulfill the need for worker housing in West Maui. But I've been
33 told that it is a current recommendation of this body that the south side of Kaanapali 2020 remain
34 in agriculture and open space. If you did not know that is the area the State DOT is planning to
35 construct a connector road from the current extension of the Lahaina bypass highway to the
36 existing Honoapiilani Highway. That new connector road would provide a convenient corridor for
37 the extension of water, sewer and communication lines. The infrastructure would benefit, benefit
38 the planned construction of worker housing and enable prices to be more affordable. By removing
39 that prospect of future housing in the south area, the cost impact for infrastructure will need to be
40 shared by what will remain of Kaanapali 2020. It also would be very unfortunate if the vision of
41 the Kaanapali 2020 community group is not fully honored. It was a 20 year labor of love for many
42 dedicated community members. Kaanapali 2020 is the only planned community in the State of
43 Hawaii that has involved community leaders in its 20-year planning effort. I wonder how many
44 other land owners would view the prospect of inviting community planning if they knew that it
45 would not mean that much in the end. I ask you to visit the regions --

1
2 Ms. Carolyn Takayama-Corden: Three minutes.
3
4 Mr. Hanzawa: -- and restore the full plan of Kaanapali 2020. Thank you.
5
6 Mr. Carnicelli: Thank you, Mr. Hanzawa. Commissioners, any need for clarification of the
7 testimony? Any questions for the testifier? Seeing none, thank you very much, Howard.
8
9 Mr. Hanzawa: Okay, thanks.
10
11 Mr. Carnicelli: Jen?
12
13 Ms. Maydan: Next testifier is Karen Comcowich followed by Bob Hansen.
14
15 Mr. Carnicelli: Ms. Comcowich, if you could unmute your audio and video. And actually before
16 you start, I just want to let everybody know that we did receive a bit of written testimony before
17 the meeting, and so we'll acknowledge that that's been entered into the record, of which one of
18 those was Ms. Comcowich.
19
20 Ms. Karen Comcowich: Aloha. Nice to see you all for the final Maui Planning Commission meeting
21 regarding the West Maui Community Plan update. To begin, a quick correction of my written
22 testimony I submitted. As the testimony . . . (inaudible) . . . in 2001, the Minatoya opinion . . .
23 (inaudible) . . .
24
25 Mr. Carnicelli: You freeze up for you guys as well?
26
27 Ms. Comcowich: On page 63. Can you not hear me?
28
29 Mr. Carnicelli: No, you froze up, Karen.
30
31 Ms. Comcowich: I see two of you now. I think you guys are having issues because a few people
32 say they can't log on. It's the BlueJeans app. Can you hear me now? It's like a Verizon
33 commercial.
34
35 Mr. Carnicelli: Yes.
36
37 Ms. Comcowich: Okay. Increase the --. All right. So Policy 2.5.16, on page 63, to increase the
38 inventory of long-term housing units by phasing out and converting existing vacation rentals to
39 long-term occupancy and the related action items. I still support this because both at West Maui
40 CPAC meetings and in conversations around the community, residents often express frustration
41 at the proliferation of short-term vacation rentals. The sentiment is that the community passed a
42 law to find unpermitted short-term vacation rentals. So why isn't the County enforcing it? On the
43 west side, only 88 can be permitted, but there's obviously more than a 1,000. Other than realtors
44 and investors who make money from the Minatoya loophole, the community is unaware that it
45 exists. If we are serious about solving the affordable housing crisis, we need goals and policies

1 that encourage local ownership and comfortable long-term rentals. The West Maui Community
2 supports phasing out short term vacation rentals so that a reason, a reasonable balance of guests
3 to residents can be achieved in our community.

4
5 Finally -- not quite, actually -- please revert the maps to how they were when we submitted, when
6 submitted to . . . (inaudible) . . . Maui CPAC. This is not intended to be a developer's plan, or an
7 off-island owner's plan, nor a relator's interest plan. This is the West Maui Community Plan. And
8 the changes made to the maps do not reflect the broader community's desires.

9
10 Particularly, I would like to focus on the change to industrial designations both in Kaanapali and
11 Lahaina. The industrial designation is intended to permit intense industrial manufacture and
12 manufacturing activities that could include noxious uses. Why would we want this in either a
13 residential area or the largest tourism area, especially since the original designations
14 recommended by CPAC, the employment center designation and the urban designation . . .
15 (inaudible) . . . light Industrial, which permits the uses that would be appropriate in these areas.
16 We do not need nor want heavy industrial on the west side of Maui.

17
18 Finally, in response, to the last testifier, I respect the community development of Kaanapali 2020.
19 The current community no longer desires development above Canoe Beach. We want that open
20 space for our children and grandchildren. That space is one of the last gaps between our
21 population center where most locals live and the tourism center. It was different when the plan
22 was developed. Everything has been filled in. All the beaches are filled in. We want to maintain
23 that gap. Please respect the community's current input, although we also respect the long input
24 and the long hours put in by previous generations. Thank you for your time. I appreciate your
25 dedication to the community.

26
27 Mr. Carnicelli: Thanks, Ms. Comcowich. Any questions for the testifier? Seeing none. Thanks
28 Karen. Wait, wait.

29
30 Ms. La Costa: Chair?

31
32 Mr. Carnicelli: Go ahead Commissioner La Costa.

33
34 Ms. La Costa: I need, I need a red flag. Thank you Chair.

35
36 Mr. Carnicelli: . . . (inaudible) . . .

37
38 Ms. La Costa: Well, if I open that.

39
40 Mr. Carnicelli: No close them.

41
42 Ms. La Costa: Yeah, that's why it's closed because of the glare. Sorry, Ms. Comcowich when
43 you're talking about 2.5.18, are you talking about getting rid of short-term rental homes or are you
44 talking about converting apartments and condos that currently are allowed to do short-term
45 rentals?

1
2 Ms. Comcowich: I'm talking about the phasing out of short-term rentals. And I do -- I think,
3 permitted homes, people feel differently about. But when it comes to the proliferation, there's too
4 many. Our imbalance of tourists and residents is bad right now. So, yes, I am talking about
5 phasing out the Minatoya list. The Minatoya list is damaging to our community. It . . . (inaudible)
6 . . . BRBO. But because it's so easy for someone from the mainland to rent their property, it makes
7 it difficult for the community to have any say in our community.
8
9 Ms. La Costa: But you talked about that. Are you talking about phasing out both homes and
10 condos?
11
12 Ms. Comcowich: You guys have . . . (inaudible) . . .
13
14 Ms. La Costa: Just a yes or no, yes or no? Karen, yes or no? Are you talking about homes and
15 condos?
16
17 Ms. Comcowich: I am talking about the ones that do not need a permit primarily. But, yes, homes
18 as well. Is that -- this is not something that the community planned.
19
20 Ms. La Costa: I don't, I don't need to know that right now, Karen. I just want to know your direction.
21 If you're talking about phasing out both. Okay.
22
23 Ms. Comcowich: . . . (inaudible) . . . That's all I'm suggesting.
24
25 Ms. La Costa: That wasn't my question, but Chair, can I please ask that I get a yes or no?
26
27 Ms. Comcowich: I actually can't hear you and I don't . . . (inaudible) . . .
28
29 Mr. Carnicelli: No, no. Hang on guys. I'm not starting the meeting this way. I'm not starting the
30 meeting this way, okay. I am not starting the meeting this way. You don't need to start just ramping
31 things up. We've got somebody that wants to ask -- provide testimony. You asked a question.
32 You may not have gotten the answer you wanted. We're going to move on, okay. This is like, I
33 think Ms. Comcowich is very, very clear. She's testified a number of times. We know where she
34 stands on this. I think that she's been very, very clear. So do you have any further questions
35 Commissioner La Costa?
36
37 Ms. La Costa: No, I do not.
38
39 Mr. Carnicelli: Okay. Thank you. Jen, who's next? Thank you, Karen.
40
41 Ms. Maydan: Bob Hansen is next, followed by Donna Hansen.
42
43 Mr. Bob Hansen: Okay. Okay, thank you. I know most of you. Hello. Anyway, you know, I looked
44 at this West Maui Community Plan and it just, it just blows my mind that they want to, you know,
45 cut out the Minatoya decision, number one. That was, the, you know, his name was Lawrence, I

1 think, Minatoya. He made it all opined that it was legal to rent out properties that were an
2 apartment zone that were built before 1989. So if they try to stop that, I think there will be a lot of
3 lawsuits. And I don't think the County can afford the lawsuits. Some of the ideas are to phase out
4 the short-term rentals that are not in hotel districts. This will not, I repeat, not solve the affordable
5 housing issue. The West Maui Community Plan believes that phasing out thousands of short-term
6 rentals will help. It will not. I mean, I think, a lot of you know me, I, I, Long John Anderson and
7 myself started that Na Hale O Maui and we built a lot of homes so far that's affordable in
8 perpetuity. That's the direction we should go. Not to, you know, have the little guy, his little house
9 that he wants to rent, that my son is one of them. He has a house that he rents, and it's providing
10 a service. And the hotels, you know, they have, you know, most of them are foreign owners. So
11 we're doing this to help the hotels. I just don't think that's right. He will lose a lot of GET and TAT
12 tax, and real estate tax, and all the money spent by business, you know, the tourists keeping the
13 small businesses alive. So much rhetoric variance is just to me is just kind of simplistic. The loss
14 in revenue to the government has been calculated and I don't know if this is true. You add about
15 over \$2,000 to the average real estate tax for people. I don't think we can afford that. There was
16 a valid reason for the Minatoya opinion, the legalities, property rights that we worked so hard to
17 codify a few years ago. A lot of you were involved in that, and now we're talking about going back
18 on that. I've heard, you know, numerous citizens promising to join in the lawsuits to protect the
19 Minatoya opinion and subject subsequent qualifications. I, for one, would . . . (inaudible) . . . to
20 benefit the big foreign corporations that I talked about before. I'm skipping ahead. Anyway. I think,
21 you know, what I'm saying. And if, if the West Maui has all this --

22
23 Ms. Takayama-Corden: Three minutes.

24
25 Mr. Hansen: -- open space and everything, where are you going --

26
27 Mr. Carnicelli: Thank you, Bob.

28
29 Mr. Hansen: Okay, you're welcome. You know where I stand. Thank you, Lawrence.

30
31 Mr. Carnicelli: No worries. Any questions for the testifier? Thank you, Mr. Hansen.

32
33 Mr. Hansen: Okay.

34
35 Mr. Carnicelli: Jen?

36
37 Ms. Maydan: Donna Hansen, followed by Russell Evans.

38
39 Mr. Hansen: Here's Donna now.

40
41 Ms. Donna Hansen: Hi, my name is Donna Hansen and I am one of those terrible realtors who
42 sells real estate. I'm so bad. Let me just make a statement. Besides concurring with Bob, I just
43 want to say, if the Planning Commission and the Council continues in the manner that they have
44 been of trying to get rid of vacation rentals, and continuing to tax people that own vacation rentals,
45 or trying to ruin them, and demolish their small businesses, well, you're just asking for the

1 recession that's coming to become a full-blown depression. And it'll be in your hands, and the
2 Council's hands that you have caused the demise. Because so many of these people that you all
3 are trying to ruin financially will honestly, they're the ones that actually employ people that aren't
4 in breadlines right now. So when you take that away, you're going to have those people besides
5 the 900 that go to Hope Chapel in Kihei to get a basket of food once a week or twice, you're going
6 to add another gazillion to it. And then good luck because it will be blood on your hands. Thank
7 you. Bye.

8
9 Mr. Carnicelli: Thank you Ms. Hansen. Any questions for the testifier? Seeing none. Thank you.
10 So, Jen, before you call the next person, I just, guys, we've had four testifiers now, and one of the
11 things I forgot to mention at the beginning is what's on the agenda today is the West Maui
12 Community Plan and all of the sections in the West Maui Community Plan. I would like for this,
13 this is the community plan, I want this to bring us together, not tear us apart. I would like for you,
14 if you could, please, when you testify, testify to the plan and not to people. It's not about us, not
15 about other testifiers, not about CPAC or whoever else it is. Is if you would please, let's make
16 this an opportunity for us to come together and try to make the best plan that we can. It's not
17 going to be perfect. It's going to be flawed. It's going to have things that you want and don't want
18 for all of us. So please, please, please, let's try to keep this civil. Let's talk about the plan and not
19 talk about each other. Thank you. Jen, who's next?

20
21 Ms. Maydan: All right, Chair next is Russell Evans, followed by Ravi Bugga.

22
23 Mr. Carnicelli: Mr. Evans?

24
25 Mr. Russell Evans: Okay, unmuting. I don't feel entirely prepared, but let's not waste too much of
26 my three minutes. I, I wanted to say that a lot of what Mr. Hanzawa said, I agreed with. But my
27 wife and I bought our house seven years ago. Our plan was to retire to Maui. And in the interim,
28 we spend about a third of our time on Maui. The rest of time our house is permitted short term
29 rental. When I see what was sent to me by the Maui Vacation Rental Association, the plan, and it
30 says phase out. In other words, put us out of business. It's horrifying. It gives us an incredible
31 amount of anxiety. I lose sleep over it at night and so does my wife. We went into this in good
32 faith. We got our permit, and I think the plan is misguided. I think the horse is out of the barn.
33 You're not going to stop Airbnb. And it's exactly what Chairman Carnicelli said, you got to come
34 together and learn to live with it. It's not about --. This is the way of the world. This is the way of
35 Paris. This is the way of Hong Kong. This is the way of New York City. This is the way Los Angeles.
36 Everywhere in the world, people are renting their homes out. And we have --. I don't agree with
37 illegal rentals. And I think you should have a permit to rent. And whether you do or not, people
38 aren't going to stop doing it. You're not going to be able to stop them. Find a way to embrace it.

39
40 And if I have any more time, I would say what I think the island of Maui should, what West Maui
41 should do is encourage businesses to setup phone centers where intelligent people can help
42 people, whether it's your Verizon or whatever business, your tech support for your Apple,
43 encourage those businesses to come. People will come move to the island. There will be places,
44 if the people are there, who can afford the rents, the businesses. Developers will build the
45 apartments for them to live in. And you'll get what you want by not --. But you don't need to put

1 the short-term rental homeowners out of business. So thank you very much, and I appreciate the
2 opportunity to give testimony.

3
4 Mr. Carnicelli: Thank you, Mr. Evans. Commissioners, any questions for the testifier? Seeing
5 none. Thank you, Russell. Also, guys, if when you're testifying, if you can point to an actual policy
6 number, or a page, or an action item specifically, that would that's, that's also helpful for us too,
7 just so everybody knows as you're testifying.

8
9 Mr. Evans: Okay. Well, that would have been 5.08, on page 152.

10
11 Mr. Carnicelli: There we go. Thank you. Perfect. Thank you. Thank you, Russell.

12
13 Mr. Evans: You're welcome.

14
15 Mr. Carnicelli: Jen?

16
17 Ms. Maydan: Next testifier is Ravi Bugga, followed by Dawn Hegger-Norblom.

18
19 Mr. Ravi Bugga: Aloha Commission members. Ravi Bugga from the West Maui CPAC. I just have
20 a very simple comment about the broader plan. Nothing on any specific section. You know, the
21 West Maui CPAC spent 36, 37 public meetings, three-plus hours each, many community
22 meetings before even the CPAC formal meetings started. And I believe the draft plan that we
23 submitted from the CPAC does best reflect the broader West Maui community. Not any special
24 interests, not East Maui, not South Maui. I recognize your role is to take a broader view, but we
25 are focused here, all of us, on the West Maui Community Plan, okay. And to my mind, that
26 reflects, best reflects the broader views of the community. And in that, in that respect, I think that
27 is, that or something very close to it is what the Planning Commission should be forwarding to the
28 County Council, as a mark of respect to the to all the community. Thank you very much. Happy
29 to take any questions.

30
31 Mr. Carnicelli: Any questions for the testifier? Seeing none. Thank you, Ravi.

32
33 Mr. Bugga: Thank you.

34
35 Ms. Maydan: Chair, the next testifier is Dawn Hegger-Norblom, followed by Jordan Hocker.

36
37 Mr. Carnicelli: Dawn, if you unmute yourself, and if you also wish your video as well.

38
39 Ms. Maydan: Chair, I don't see Dawn's name on the list anymore.

40
41 Mr. Carnicelli: Okay. Let's -- we'll skip and come back to her if she reappears.

42
43 Ms. Maydan: Okay. Next is Jordan Hocker, followed by Delaney de la Barra.

44

1 Ms. Jordan Hocker: Commissioners, I'd like to thank you for your time. I know we're multiple
2 meetings in at this point. This isn't addressing -- my testimony isn't addressing any one specific
3 area. But I think that there are so many reasons to accept the West Maui Community Plan as it
4 was drafted including leaving all agricultural zoning areas the way it was originally designated. I'd
5 like to recognize that this was created by the community, many different voices who devoted
6 hours of their time listening to each other, coming together as a community to lay this out. I also
7 know, based on past testimony that I've given that the Planning Commission, and has listened
8 expert after expert as to why changing the zoning to proposed developments and developers
9 would be harmful. The harm outline reaches the oceans and the reefs, the land in the watershed
10 resources, and the community. And I sit here testifying again because I feel like some of the
11 members are willing to look the other way on this harm. And at least one of the developers who
12 proposed a development that would require zoning changes has a reputation for desecrating
13 burials in the area. And I'm just curious if we're interested in giving free passes to continue this
14 sort of thing. And I feel like making special zoning accommodations for these developers would
15 send that message. So I really urge the Planning Commission to recognize that I know that you
16 each have private and robust lives to lead, but when you sit in that position, the position that you
17 do it is as a public servant and someone who works for the government, which should work for
18 the people. And I think that if you allow rezoning despite strong community oppositions, that really
19 begs the question who you're working for, the community or the developers. And I know, you
20 know, the Chair you mentioned not putting us against each other, but I'd like to distinguish what I
21 mean when I say community. There's a difference between a person who lives in an area that
22 also seeks to exploit the area for money versus a person who lives in a community that them and
23 their families and everybody who comes after them is going to have to live with the fallout of a
24 certain handful of individuals, self-motivated decisions. And so I would really urge you to leave ag
25 zone as ag, as it's zoned, and is recommended in the West Maui Community Plan. Mahalo.

26
27 Mr. Carnicelli: Thank you Ms. Hocker. Any questions for the testifier? I just, one just quick
28 clarification Ms. Hocker is when you said that you wanted to leave it as the community wanted it.
29 Are you talking about the first version after a year of community input? Then there was the first
30 version or after CPAC made changes to that first version of community input. Which one were
31 you talking about? I'm sorry, just a clarification.

32
33 Ms. Hocker: You know, that's a good question. I am referring to the last meeting that I was in
34 where a couple of developers were proposing ag zoning changes. So, I'm not sure if that clarified
35 your question.

36
37 Mr. Carnicelli: Okay. Are you talking about sub --? Oh, so you just talking about subarea four then.

38
39 Ms. Hocker: Sure.

40
41 Mr. Carnicelli: Okay. All right. Just wanted clarification. Okay. Thank you. Any other questions for
42 the testifier? Okay. Thank you, Ms. Hocker. Jen?

43
44 Ms. Maydan: Our next testifier is Delaney de la Barra. And then Dawn Hegger-Norblom got back
45 on the call, so she'll be after that.

1
2 Mr. Carnicelli: Okay.

3
4 Ms. Delaney de la Barra: Aloha. I'm going to try to leave my camera off just so that it doesn't glitch
5 out as that, if that's okay.

6
7 Mr. Carnicelli: That's fine.

8
9 Ms. de la Barra: Okay. So my name is Delaney de la Barra, and I am -- thank you all for all of your
10 hard work in putting this together. I'm calling today. This is my first time testifying. I've been on a
11 West Maui resident and renter for the last 26 years, and I service all of the tourist industries. On
12 a personal level, the lack of long-term housing has affected myself and my family, and multiple
13 times having almost no inventory when a place that I was staying at was sold to be a vacation
14 rental. Also renting from people who, like, rented it out for nine months and then come and stay
15 three months a year, but don't tell the tenants that they're doing that. And then all of a sudden you
16 find yourself having to find a new place to live. I've just, since 2015, had to move six times living
17 on the west side. I have a seven year old daughter, so I am calling in to support Policy 2.5.16 by
18 increasing the long term residential housing inventory by any ways that we can, including phasing
19 out and converting existing vacation rentals. That's basically, you know, I just wanted to call and
20 support the local community plan and just give a little bit of experience that I personally have had.
21 I've also watched my friends and family struggle for the last 22 years on this west side with the
22 same kinds of problems. So there's a huge community support for this policy and the plan that
23 you guys have worked so diligently to put out, and I just wanted to appreciate that.

24
25 Mr. Carnicelli: Thank you, Ms. de la Barra. I appreciate that. Is that all?

26
27 Ms. de la Barra: Yes, that's it. Thank you so much. Thanks for hearing me.

28
29 Mr. Carnicelli: Okay. No problem. I just knew you had extra time. I didn't know you were finished
30 or not. Any questions for the testifier? Seeing none. Thank you. Jen?

31
32 Ms. Maydan: The next testifier is Dawn Hegger-Norblom, followed by Nathaniel Kinney.

33
34 Ms. Dawn Hegger-Norblom: Yes, thank you.

35
36 Mr. Carnicelli: Aloha.

37
38 Ms. Hegger-Norblom: Aloha. . . . (inaudible) . . . Lahaina Luna. Go Lunas. Thank you for having
39 this meeting. I want to say that I support Section one, two, three, four, five. And I also want to say
40 that thank you for Long Range Planning for coming up with all -- multiple meetings and our
41 meetings. And thank you for Planning Commission for, of course, you know, doing your due
42 diligence and getting the feedback that you're looking for too.

43
44 What I did want to say was I did look at all the responses from the Departments. And one of the
45 things that I really like about the plan that was submitted in its entirety is actually that a lot of the

1 -- we listened to the County and we listened to the Departments, and we really tried to work with
2 them in terms of trying to get, you know, their issues kind of to be addressed in the plan. So I do
3 understand, you know, I've listened to a lot of the testimony about short term rentals and
4 everything, but I would ask that you would go ahead and approve the plan as we had submitted
5 it. And that's it from my testimony, and happy holidays.

6
7 Mr. Carnicelli: Thank you, Dawn. Any questions for the testifier? Commissioner Pali?

8
9 Ms. Pali: I just wanted to thank you for your testimony. That's it.

10
11 Ms. Hegger-Norblom: Okay. Thank you.

12
13 Mr. Carnicelli: And, and thank you for your service on CPAC, as well.

14
15 Ms. Hegger-Norblom: And thank you for yours, all of yours and everyone else who's on the
16 meeting right now.

17
18 Mr. Carnicelli: Many hands make light work. Jen?

19
20 Mr. Nathaniel Kinney: Hello. This is Nathaniel Kinney with the Hawaii Construction Alliance. I'm
21 not very familiar with BlueJeans. Can you hear me?

22
23 Mr. Carnicelli: Is Mr. Kinney --. Jen, is Mr. Kinney next?

24
25 Mr. Kinney: Yes.

26
27 Mr. Carnicelli: Oh, okay.

28
29 Ms. Maydan: Yes, Chair. Yes, Chair, he is. And after him is Kyle Ginoza.

30
31 Mr. Carnicelli: Awesome. Mr. Kinney, go ahead. Sorry for interrupting.

32
33 Mr. Kinney: No, no problem. Again, I'm on Nathaniel Kinney with the Hawaii Construction Alliance.
34 We're a collection of construction labor unions; the carpenters, the operators, the laborers, the
35 masons, and brick labor, bricklayers. We're supporting an amendment to policy 2.4.3 of the West
36 Maui Community Plan. You're going to be hard pressed to find any other organization that
37 supports the building of affordable housing as much as the Hawaii Construction Alliance. We're,
38 we're pushing legislation both at the County and the State level to increase the amount of
39 affordable housing stock, not just in Maui, but across the entire State. So, you know, we
40 understand that there is a desperate need for affordable housing. However, we were requesting
41 that there be an amendment in place of policy 2.4.3. And we submit -- submitted testimony, but
42 we feel like the current policy in the plan, it actually reduces the amount of affordable housing that
43 can be built. And we're, we're suggesting that 2.4.3 read instead to additional transit
44 accommodation units in the West Maui Community Plan area shall comply with the County's
45 affordable housing requirements, and developers of transit accommodation units shall prioritize

1 fulfillment of affordable housing obligations within the boundaries of the West Maui Community
2 Plan. We think that this small amendment gives a little bit of flexibility and opens up -- will hopefully
3 open up the actual building of more affordable units rather than strictly placing them in certain
4 some areas and all of that. And so we appreciate your time. Love the fact that the Chair is wearing
5 a -- is in the holiday spirit, and I hope everybody's year is going as smoothly as possible
6 considering what's going on in the world right now, and appreciate the time. Thank you.

7
8 Mr. Carnicelli: Thank you, Mr. Kinney.

9
10 Mr. Kinney: I did want to --

11
12 Mr. Carnicelli: That was loud. We did get your . . . submittal in writing so we'll go ahead and take
13 that in consideration.

14
15 Mr. Kinney: Great. Thanks Chair.

16
17 Mr. Carnicelli: Yeah. Any other questions for the testifier? Seeing none. Thank you, Mr. Kinney.
18 Happy holidays. Hopefully 2021 is much better.

19
20 Mr. Kinney: Thank you.

21
22 Mr. Carnicelli: Mr. Ginoza.

23
24 Ms. Maydan: Next testifier is Kyle Ginoza, followed by Kathleen Gildred.

25
26 Mr. Kyle Ginoza: Good afternoon. My name is -- can you hear me?

27
28 Mr. Carnicelli: Yeah.

29
30 Mr. Ginoza: OK. My name is Kyle Ginoza, and I'm a supporter of workforce housing projects south
31 of Lahaina. And what I'd like to see is the deletion of, on page 116, Policy 3.7.2 which restricts
32 affordable housing projects in the area south of Lahaina. And over the last few days, we've asked
33 the number of CPAC members about their feelings as well. And actually one of them asked me
34 to write, to read his testimony that that -- I also provided it in writing. If you let me share my screen,
35 I can show it. Otherwise, I'll also read it.

36
37 Mr. Carnicelli: If you can do it within your three minutes.

38
39 Mr. Ginoza: Yeah. Dear -- Dear Chair Carnicelli and members of the Maui Planning Commission.
40 Thank you for your efforts in reviewing the West Maui Community Plan draft that the CPAC
41 submitted, transmitted. We know the tremendous commitment it takes to provide a
42 comprehensive recommendation for the community. We realize that we each may differ on the
43 projects in areas which should be supported for development. The common ground we all have
44 is the realization that an extraordinary number of affordable and workforce homes are warranted
45 for the West Maui community. Along those lines, we believe that land owners should not be

1 prohibited from proposing housing development south of Puamana or north of Kapalua. The
2 CPAC never talked about not allowing 201H or other affordable housing projects in these areas.
3 The Planning Department inserted this language without a specific discussion on the policy. We
4 do not believe that the policy would have been supported if we discussed it. We all recommend
5 that the Maui Planning Commission delete the areas of stability policy as we need much more
6 affordable housing in West Maui, and we cannot be so restrictive on prospective housing
7 developments. To say the community absolutely does not support affordable housing in these
8 areas is not true. There are many tools required to solve our existing affordable housing crisis.
9 The 201H process is just one of those tools and should not be eliminated. Please consider
10 deleting the areas stability policy that prohibits affordable housing opportunities and allow projects
11 to be evaluated on their own merits.
12

13 And those -- this letter was signed by six of the CPAC members and seventh one submitted a
14 separate letter and, in writing. And I'd like to just highlight one of the sentences. Please consider
15 adding the community plan designations to match the Maui Island Plan and remove policy 3.7.2.
16

17 So the basis of my testimony is to, to consider removing 3.7.2 on page 116.
18

19 Ms. Takayama-Corden: Three minutes.
20

21 Mr. Carnicelli: Thank you Mr. Ginoza. Any questions for the testifier? Commissioner Pali?
22

23 Ms. Pali: Hi. Thank you for that testimony. My question is, is if seven out of the 13 CPAC members
24 felt this way, then how is it that the language was different for the -- what was submitted to us?
25 That doesn't really make sense to me.
26

27 Mr. Ginoza: Sure, at a previous meeting that you guys held, Dylan Payne, who was one of the
28 members, had testified that the Planning Department didn't want to discuss this policy when it
29 already had come out. They wanted to look at it holistically. And also one of the members, Dylan
30 Payne, he recused himself. So it was kind of a six, maybe a six-six vote. And so, I mean, I think
31 you will find that through different portions of the plan that based on the way the Planning
32 Department had changed, you know, maybe what the GPAC wanted, there weren't, there weren't
33 enough votes to necessarily overturn what the Planning Department suggested. But had the
34 Planning Department suggested otherwise, I don't know if there was enough votes to overturn it.
35 So I think in some areas, just the way that the votes, and the attendance of these meetings were,
36 it just so happened that certain policies were not overturned or, or revised. Thank you.
37

38 Mr. Carnicelli: Any other questions for the testifier? Seeing none. Thank you, Mr. Ginoza. Jen?
39

40 Ms. Maydan: The next testifier is Kathleen Gildred, followed by Dave Gomes.
41

42 Ms. Kathleen Gildred: Aloha. Can you see me? Can you see and hear me?
43

44 Mr. Carnicelli: We can.
45

1 Ms. Gildred: Okay. Hi. Nice to see you all. So, so my name is Kathleen Gildred, and I'm the owner
2 of Hale Auana Vacation Rental. By the way, I am, I'm testifying regarding item 5.08, on page 152.
3 We've been in business since 1995, permitted since 2002. We actually didn't originally know we
4 were supposed to apply for a permit and when we did we were permit number two. We've had no
5 complaints or problems with our neighbors in the years we've been in business. I'm concerned
6 that you're considering phasing out short term rentals. I understand that it's not in the interest of
7 the hotels for there to be short term rentals on the island. But our customers would not stay in a
8 hotel. They come for a private experience, and would only want to come to Maui if they can stay
9 in a beautiful home. And these are people who contribute significantly to commerce on the island.
10 I also understand that there's not enough affordable housing on the island, but does eliminating
11 high-end short-term rentals solve the actual housing problem? If, for example, my house we're a
12 long-term rental, it would rent for around 6,000 dollars a month, which would hardly help solve
13 the problem of affordable housing. If short term rentals were discontinued, it would mean less
14 jobs for cleaning and maintenance people who we need to keep the house in top shape all the
15 time for our renters. Plus, there would be a substantial loss to the County revenue without short
16 term rental property tax. The phase out of short term rentals in West Maui could create a tax
17 revenue shortfall of up to 60 million dollars. If that were offset to Maui homeowners, that could be
18 around 2,200 dollars increase to everyone's real property tax. So please consider this in your
19 consideration of phasing out short term rentals. Thank you for hearing my testimony.

20
21 Ms. Gildred: Thank you, Ms. Gildred. Any questions for the testifier? Seeing none. Thank you.

22
23 Ms. Gildred: Okay. Thank you.

24
25 Mr. Carnicelli: Jen?

26
27 Ms. Maydan: The next testifier is Dave Gomes, followed by Chris Maune.

28
29 Mr. Dave Gomes: Can you hear me?

30
31 Mr. Carnicelli: We can.

32
33 Mr. Gomes: Thank you. Good afternoon, Chair and members of the Maui Planning Commission.
34 My name is Dave Gomes and I'm the general manager for Hawaiian Cement, Maui Division. I'm
35 testifying today on an item related to our Honokawai batch plant which is located in the Honokawai
36 area directly behind the existing light industrial and retail area mauka or east of Honoapiilani
37 Highway and Halawa Drive intersection. I'm referring to page 91 of your map, subarea two. Just
38 for reference, we've been operating out of the area for well over 30 plus years. I was recently
39 made aware that the draft West Maui Community Plan is proposing a change to the designation
40 where our batch plant is located from agricultural to park and open space. We see figure 3.4 of
41 subarea two including the areas of Kahana, Honokawai, Kaanapali on page 91, or on the PDF file
42 on page 46.

43
44 We applied for a State Special Use Permit and a County Conditional Permit approval for our
45 Honokawai batch plant in 2013. In June 2014, the Maui Planning Commission approved our State

1 Special Permit for the concrete batch plant operation and recommended approval of the
2 Conditional Permit for the project. In February 2015, the Maui County Council voted to approve
3 our Conditional Permit for the Honokawai batch plant. Both our State Special Use Permit and our
4 County Conditional Permit are valid until April 30, 2034. Our batch plant is approximately one
5 acre in size and we leased that site from Kaanapali Land Management Corporation. The batch
6 plant is operated on as needed basis and allows us for the distribution of concrete into mixing
7 trucks. This, this site is a strategic location for our concrete batch operation. When mixing
8 concrete, these are requirements that product needs to be met in order to be used for
9 construction. Timing of our pour for concrete also factors in the quality of the project. The
10 Honokawai site allows us to provide quality concrete for projects in the west side area. Due to
11 potential traffic delays and the length of distance from our Puunene batch plant, we wouldn't be
12 able to meet the standards needed to provide concrete for projects in West Maui. We have many
13 different projects out in that area, in the West Maui that, that I won't go into that will be affected.

14
15 We would like to ask the Maui Planning Commission amend the proposed 3.4, subarea two map,
16 to remove the proposed designation from park and open space, and consider industrial space or
17 at a minimum, keep the existing designation of agricultural for our Honokawai batch plant site,
18 which should be kept consistent with the State land use designation for the area. Our Conditional
19 Permit ordinance includes meets and bounds description that we can provide that that information
20 to the Planning Department so that we can accurately designate our one acre batch plant area in
21 the draft community plan. With the proposed park in open space designation we are concerned
22 that we wouldn't be able to apply for it. It would more difficult to receive approval for continued
23 concrete batching permits in the --

24
25 Mr. Carnicelli: Mr. Gomes, I think that, that was -- I think, I think that was the three minutes.
26 Carolyn, did you say three minutes? I'm sorry.

27
28 Ms. Takayama-Corden: Yes I did.

29
30 Mr. Carnicelli: Okay. Sorry. Mr. Gomes to cut you off, but that's your three minutes. But wait, wait,
31 wait. Don't go anywhere because I think we're going have some questions for you. First off, well
32 here, I'll go to, I'll go to my fellow Commissioners and see if anybody has any questions for
33 Mr. Gomes. Commissioner Pali.

34
35 Ms. Pali: I did want him to identify that location. I have the maps out.

36
37 Mr. Carnicelli: Yeah. Is, where is that one acre?

38
39 Mr. Gomes: That one acre is, is kind of . . . (inaudible) . . . where Halawai Drive comes off of
40 Honoapiilani Highway, the old Hertz Rent-A-Car and there's some smaller businesses in the front.
41 If you actually drive directly to Halawai Drive, where it ends, we're just on the opposite side of
42 that. And it's really hard to see on that map. I've got it circled, but it's, it's very hard, but it's identified
43 in that light-green.

44
45 Mr. Carnicelli: Is it, is it above, above the employment center part, right? Like, the part that's pink.

1 It's just mauka of the pink part.

2

3 Mr. Gomes: Yes, that is correct.

4

5 Mr. Carnicelli: Okay.

6

7 Mr. Gomes: No, it's the, the dark pink.

8

9 Mr. Carnicelli: Yeah, the dark -- the employment center. Okay, you got that Kellie? I don't think
10 we need -- I mean, if we're going to address it, we don't need to make a specific. We can, you
11 know, we don't have to do it today. We can get the meets and bounds from other places. Any
12 other questions for the testifier? Mr. Gomes, I just, just to clarify, a batch plant, you don't do any
13 resource extraction there, correct? Is it, is -- please explain to us in short, but layman's terms kind
14 of what a batch plant is. What do you do there versus, you know, I mean, are you are you doing
15 resource extraction as well?

16

17 Mr. Gomes: No, we do not do resource extraction there. It's -- a batch plant is more of a fancy
18 mixing. It's, it's, it's things that are weighed up, gets mixed into a truck for, for delivery.

19

20 Mr. Carnicelli: When is, when does your Special Use Permit end? How long is it for?

21

22 Mr. Gomes: April, April 30th, 2034.

23

24 Mr. Carnicelli: 2034. So another 14 years. Okay. And...Okay, that's it for my questions. Anybody
25 else have any other questions? Okay, thank you, Mr. Gomes. Appreciate your testimony.

26

27 Mr. Gomes: Thank you.

28

29 Mr. Carnicelli: Jen?

30

31 Ms. Maydan: Next testifier is Chris Maune, followed by Chris Delauney.

32

33 Mr. Chris Maune: Hi folks, can you hear me okay?

34

35 Mr. Carnicelli: We can.

36

37 Mr. Maune: Okay, great. I'm calling in regard to the action item 5.08 on page 152 that speaks to
38 phase out the vacation rentals. And I'm, calling in as a, as a vacation home rental owner as well.
39 I can't really speak to the condo situation that you guys are also looking at, but I can speak as
40 one of the, as an owner of a single-family home, short term rental. And I do not agree with some
41 of the other caller that have been on the call that the phasing out of the 88 short term rental
42 homes, legally permitted short term rental homes in West Maui will really do nothing to solve the
43 housing crisis in the area. There is no guarantee that those individuals, unless you've talked to
44 them individually, that they will even sell their properties or make them available for long-term
45 rental. And one of the things I noticed in, in that section, 5.08, is that, it says that it is -- the phase

1 out of the short term rentals will be made -- used to make more housing units available for long-
2 term, excuse me, for long-term occupancy. And I just don't know, think that that is actually
3 anybody can say that that will actually happen.
4

5 If, if my short-term permit were to go away, I wouldn't sell my home. I love coming to Maui. I love
6 the people I've met on Maui. Love the relationships that I've made on Maui. I spent about 30 to
7 40 percent of my time on Maui, and I would not sell my home. And so that means that my home
8 is now only 30 percent occupied versus 100 percent occupied. That 70 percent occupation rate
9 that, you know, I would -- that the County would lose. The restaurant owners would lose. Because
10 now 70 percent of the time, my home is not generating, generating revenue for restaurants, for
11 shops, or for, for other businesses in the County, for tourism. It's only generating money now
12 when I come to the island, and I'm only one person, you know. I have a six bedroom home. I can
13 -- 12 people can come and stay in my home. That's 12 people, you know, at 70 percent rate
14 versus one person at 30 percent rate. I'm sure you can do the math and understand that I'm going
15 to spend a lot less money in the community than the other people that are staying in the home.
16 And I have never had any complaints or anything with my home. And I doubt a lot of the folks that
17 are make up to 88 short term rentals in the West Maui have had many complaints either.
18

19 So I just asked to the Council here to maybe look at this 5.08 and there's another portion, I think,
20 3.02. But look at those and really evaluate whether the single family home portion of this makes
21 a lot of sense to keep in the in the plan. I think taking that single family home portion out would
22 make sense. And again, I cannot speak to the condo situation, but the single family homes, I don't
23 see them solving the issues that we're having with --
24

25 Ms. Takayama-Corden: Three minutes.

26
27 Mr. Maune: -- with long term rental.
28

29 Mr. Carnicelli: Thank you, Mr. Maune.
30

31 Mr. Maune: Thank you.
32

33 Mr. Carnicelli: Any questions for the testifier? Seeing none. Thank you, Chris.
34

35 Mr. Maune: Thank you.
36

37 Mr. Carnicelli: Jen?
38

39 Ms. Maydan: Chair, the next testifier is Chris Delauney, followed by Chad Fukunaga.
40

41 Mr. Chris Delauney: Hello. Can you hear me?
42

43 Mr. Carnicelli: We can.
44

1 Mr. Delauney: Okay. All right. Aloha Planning Commission members. Chris Delauney with Pacific
2 Resource Partnership. We're a nonprofit market recovery trust fund, which represents
3 approximately 7,000 men and women union carpenters and 240 large and small contractors. So
4 I have -- I submitted testimony. There's two items. One is on Policy 2.43 of the plan. And we would
5 just like to echo what Nathaniel Kinney had testified to. We have the same amendment as him as
6 well, so we stand on our testimony in support of our amendment.

7
8 Another one that we would like to testify on is actually action number 5.12, on page 154 of the
9 plan. And we're in strong opposition of this provision as written. And, you know, we support the
10 construction of more affordable housing and believe government can make it more feasible for all
11 home builders to accomplish this by removing existing barriers and laws, rules and processes
12 that frustrate the County of Maui efforts to build more housing for its workforce. However, we do
13 not support policies that give special preference to modular housing over other types of homes.
14 As a matter of principle, it is inequitable for the County of Maui to create a special pathway for
15 modular housing, allowing modular housing to bypass regulatory requirements while other types
16 of homebuilders must comply with these requirements when they construct any building or
17 structure. Laws, rules and processes should not be changed to provide special policies for
18 companies to gain an advantage over their competitors. All home builders should be treated
19 equally under the law.

20
21 So we have this amendment in our testimony and basically it says taking out or striking some
22 language and keeping some language. We would like to keep the portion that says identifying
23 existing barriers and laws, rules and processes that prohibit the construction of safe, sanitary and
24 affordable on farm employee housing for farm workers. So we like to keep that and we would like
25 to strike out the part where it says, including mobile units for temporary and seasonal farm workers
26 with special consideration given to modular housing as a solution.

27
28 So, you know, we just want to come. We think policies should be made to create a level playing
29 field, field for all home builders. And thank you for this opportunity to submit oral -- written
30 testimony as well as, as well as oral testimony. Thanks.

31
32 Mr. Carnicelli: Thank you very much. And we do have your written testimony, so we can refer to
33 that when we deliberate. Any questions for the testifier? Thank you very much. Appreciate it,
34 Chris.

35
36 Ms. Maydan: The next testifier is Chad Fukunaga, followed by Mary Ann Schober.

37
38 Mr. Chad Fukunaga: Good evening Chair Carnicelli and Commission Members. My name is Chad
39 Fukunaga. I'm with Kaanapali Land Management Corp. I'm here today to speak about subarea
40 two, the map being on page 91 of the draft plan. As a previous testifier, Dave Gomes, spoke about
41 the Hawaiian Cement batch plant, I like to support his request that that area be re-designated. I
42 believe it's currently shown as parks and open space. I think their batch plant is vital to the West
43 Maui area. Being that it is difficult to transport mixed concrete in Central Maui and transport it all
44 the way to the west side, so I think it's very important.

1 Likewise, HC&D also has a site just north of the Lahaina Wastewater Treatment Plant and they
2 also operate -- I believe, they operate on a Special Use Permit also. So I would like to bring that
3 area to attention. Ideally, we'd like to see both areas designated industrial, but at the very least in
4 in agriculture. I think putting any of those areas in park and open would make further applications
5 for Special Use Permits very difficult.

6
7 The other thing I like to testify on is the Kaanapali Town south area. The 100 acres as designated
8 as parks and open space closest to Honoapiilani Highway, I'd like to request that that area please
9 be revisited. We've been working with our community members for many years as Howard
10 Hanzawa spoke of all. I think putting it into parks and open space will have detrimental impacts
11 to a very compete and well thought out plan. And it was a plan or is a process that we held a very
12 open process. We invited all members of the community to participate. It is unfortunate that during
13 the planning, the CPAC process, there were certain members of the community who spoke out
14 against our project and claiming that it was, you know, what the community wanted. Whereas
15 we've been opening an open process for many years now. We've also worked with many State
16 and County departments and agencies. We also have in an agreement with the Department of
17 Transportation to help facilitate the construction and build out of the Lahaina bypass and
18 connector roadways.

19
20 Ms. Takayama-Corden: Three minutes.

21
22 Mr. Fukunaga: We ask that you please reconsider the parks and open space in the Kaanapali
23 Town South. Thank you.

24
25 Mr. Carnicelli: Thank you very much, Mr. Fukunaga. Any questions for the testifier? I just a
26 clarification, HC&D, where is this piece?

27
28 Mr. Fukunaga: It's just south --

29
30 Mr. Carnicelli: And what do they do?

31
32 Mr. Fukunaga: HC&D is formerly Amron. They're also a batch that much like a Hawaiian Cement.

33
34 Mr. Carnicelli: Okay. So they're a batch plant as well.

35
36 Mr. Fukunaga: Yeah. And they're, they're adjacent to the northern end of the Lahaina Waste
37 Water Treatment Plant.

38
39 Mr. Carnicelli: Oh same, same rough area then, roughly. No?

40
41 Mr. Fukunaga: They're on, they're on TMK 4, 4, 1.

42
43 Mr. Carnicelli: That's not going to help me, Chad. I, I don't have TMKs in front of me.

44
45 Mr. Fukunaga: I'm sorry. Okay.

1
2 Mr. Carnicelli: I'm just saying --. Is, is --. Okay, how many, how many acres is their batch plant
3 as well.
4
5 Mr. Fukunaga: They're approximately an acre also.
6
7 Mr. Carnicelli: They're about one acre as well. Okay.
8
9 Mr. Fukunaga: Yes.
10
11 Mr. Carnicelli: Existing. And they're on, they're on Ag using a Special Use Permit just like
12 Mr. Gomes?
13
14 Mr. Fukunaga: They're a little different. Half of their site is on public/quasi-public, and half of it is
15 an area designated agriculture.
16
17 Mr. Carnicelli: Okay. And so they're, they're, they're in a Special Use Permit as well then.
18
19 Mr. Fukunaga: I believe so.
20
21 Mr. Carnicelli: And, do you know when their Special Use Permit ends?
22
23 Mr. Fukunaga: I do not.
24
25 Mr. Carnicelli: Do you know if it's beyond --? Do you know if it's beyond ten years which is the
26 scope of this plan?
27
28 Mr. Fukunaga: I believe it is. But I'm not --
29
30 Mr. Carnicelli: But you don't know. Okay.
31
32 Mr. Fukunaga: -- . . . (inaudible) . . . for them.
33
34 Mr. Carnicelli: OK. I'm just, I'm just saying, if we've got one existing batch plant that we're
35 considering, you know, making accommodations for, you know, just to be fair, we should do it for
36 the other batch plants as well, right. I mean, we don't want to give one person a competitive
37 advantage over another one. So I'm just trying to get apples to apples is all. If you're saying that
38 there's more than once one batch plant. So anyway, okay. I mean, fair enough. And we don't
39 necessarily have to designate the actual spot if we do that. But I just wanted to kind of see, at
40 least understand what you're talking about. So any other questions for Mr. Fukunaga? Seeing
41 none. Commissioner Pali?
42
43 Ms. Pali: Mr. Fukunaga, was there any particular policy that you had an opinion on or was it just
44 more focused on that?
45

1 Mr. Fukunaga: Not a specific policy, but just more on, on the map. Thank you.

2

3 Mr. Carnicelli: And the other questions? Seeing none. Thanks Chad.

4

5 Mr. Fukunaga: Thank you.

6

7 Mr. Carnicelli: Jen?

8

9 Ms. Maydan: The next testifier is Mary Ann Schober, followed by Greg Mebel.

10

11 Ms. May Ann Schober: Hi. Good evening. My name is Mary Ann Schober and I'm commenting on
12 Action 5.08 on page 153. And thank you very much for the opportunity to share my views this
13 evening. I oppose the proposal to phase out short term rental homes. There are issues with
14 phasing out short term rental homes and many unintended consequences. Many permitted short
15 term rental houses are luxury houses. Although the committee's intend to create housing, many
16 luxury homeowners would simply keep the houses vacant. The rent to cover expenses and
17 mortgages would be tens of thousands of dollars each month, making long term rental rents not
18 possible. My understanding is these short term rental position brings in a very large generating
19 category of tax revenue for the County. My understanding that the properties in West Maui
20 comprise about 60 million dollars' worth of revenue. Phasing out short term rentals in West Maui
21 could create a tax revenue shortfall. And if that were to offset to Maui homeowners, it would be
22 around 2,200 dollars increase to everyone's real property tax, creating an even bigger burden for
23 residents. My question would be if the County is going to phase out all this revenue from the TAT
24 and GET, how are they proposing to recover those that those taxes?

25

26 Other unintended consequences is the loss of jobs the short term rentals provide. Without guests
27 the short term rentals certainly don't need cleaners, property managers, and agents. And how are
28 these jobs can be replaced? I believe that phasing out short term rentals would push some
29 owners, some homeowners to rent without permits. I personally think this is wrong. However, the
30 result of the County missing out on taxes and host of other issues with non-permitted houses.
31 And how is the County going to handle the possible onslaught of illegal rentals?

32

33 In the midst of this global pandemic, it is even more clear that the Maui -- that if Maui wants to
34 welcome visitors, a safe option is short term rentals. Guests contained at one household, thus
35 minimizing the potential risk of spreading COVID at a hotel or condo where there's hundreds of
36 guests there. I would ask the Council, I would ask that the Council to reconsider keeping permitted
37 legal short term rentals. Phasing out short term rentals does not add additional long term housing.
38 Phasing out short term rentals would be a huge loss of tax revenue. Phasing out short term rentals
39 would create an underground rental market, and that's a bigger problem for the County to handle
40 in the next ten years. Thank you.

41

42 Mr. Carnicelli: Thank you, Ms. Schober. Any questions for the testifier? Seeing none. Thank you.
43 Jen?

44

45 Ms. Schober: Thank you.

1
2 Ms. Maydan: Next testifier is Greg Mebel, followed by Jen Russo.

3
4 Mr. Greg Mebel: Good evening, Commission. Thanks for hearing us. I am testifying on item
5 2.5.16, so that is on page 63. You know, obviously there's some problems. There's huge problems
6 with affordable housing in West Maui. Actually, throughout all of Maui. The answers are not
7 necessarily binary. Do this, do that. I think that the Chair commented on all working together and
8 finding balance. In my view, a phase out is not balanced. In any case, obviously, building
9 affordable housing is important and probably would be the, the biggest thing that could fix the
10 problem of not having affordable housing, especially deed restricted and perpetuity affordable
11 housing.

12
13 The other thing is in this post-COVID economy, once we get there, if we get there, is we really
14 want a distributed economy. Not all hotels. Not all one thing. We need the tax sector. We need
15 STR, short term rentals. We need farming. We need concrete. We need all of this. But to phase
16 out one industry is, is the probably could be the opposite of where we might want to go.

17
18 Third, you know, short term rentals, like I said, it's a distributed economy. This is where
19 independent contractors work with independent contractors. Most of them are residents here on
20 Maui. It's not where there's one huge group of employees who work for one group, one employer
21 who may be off island. And that may be something that we want to encourage here. It may make
22 us a little more down economy proof as well.

23
24 And finally, as many people have mentioned, the short term rentals make up the property tax, the
25 largest category, or second largest category for the County revenue. The County and the State
26 are going to have some serious revenue problems. We need revenue to build employee housing.
27 They -- this revenue exceeds what's made in hotels, resident property taxes, businesses, all put
28 together. That's a very important revenue source, and I think it should be considered when we're
29 thinking about what we want to do to solve the affordable housing problem in Maui. We need to
30 look at those numbers. So, again, a phase out just seems really too strong, and I think we should
31 be very wary of some of the unintended consequences. Thank you. And thanks, everyone, for,
32 for working to put together these community plans.

33
34 Mr. Carnicelli: Thank you, Mr. Mebel. Any questions for the testifier? Thanks, Greg. Jen?

35
36 Ms. Maydan: Next testifier is Jen Russo, followed by a Keeaumoku Kapu.

37
38 Ms. Jen Russo: Aloha. And thank you for the time that you've put in working on the West Maui
39 Community Plan. There is a lot of great hard work put into this plan. However, I think some of the
40 action items have some issues. Item 2.5.16, on page 63 and the associated action item, 5.08 on
41 page 152, that seeks a general phase out of vacation rentals to create affordable housing. There
42 are issues with these plans and perhaps unintended consequences. There are the owners vested
43 rights with the use of their properties. And I'm not sure that depending on individual property
44 owners as having the responsibility of creating housing for the County is the answer to our housing
45 issue. It hasn't worked so far, so I don't know that that should be the policy. Although the

1 committee's intent is to create housing, some of the maintenance fees and mortgages associated
2 with these properties will create a situation where this would not be affordable for the renters that
3 this action is intended for.

4
5 Another consideration, the committee has listed the cost of this action as N, A in the actions, but
6 there would be conservative real property tax lost by a phase out. Right now a short term classified
7 property is the number one revenue generating category for Maui County. So to put that in
8 perspective, these properties raise 114 million dollars this year and had to be closed for a good
9 portion of this year as well. And West Maui comprised 53 percent of that. So that is that total tax
10 revenue of 60 million.

11
12 So West Maui Vacation Rentals are the biggest source of revenue as a region for the County,
13 and by that are also the biggest contributor to our affordable housing fund. So what that means
14 also in terms of revenue for the County overall, the homeowner category generates 33 million and
15 the hotel resort category is slightly less than homeowner. Short term rentals in West Maui is
16 double what the homeowner category generates. So everyone's homeowner taxes would have to
17 triple to make up for that loss. A phase out of short term rentals in West Maui could create a tax
18 revenue shortfall or a budget shortfall for the County of up to 60 million dollars. So I think that, at
19 the very least, should be some consideration with that action.

20
21 The other action item, 3.07 on page 144 seeks to phase out vacation rentals in the historic district
22 while encouraging hotels. I think some of the goals of the historic district, which include more jobs
23 within walking distance and a historic district manager, these goals are more attainable and
24 sustainable with legal regulated vacation rentals in the area. Legal rates regulate a vacation
25 rental --

26
27 Ms. Takayama-Corden: Three minutes.

28
29 Ms. Russo: -- offer the community benefits, tax revenue and jobs.

30
31 Mr. Carnicelli: Thank you, Mr. Russo.

32
33 Ms. Russo: Mahalo. Mele Kalikimaka.

34
35 Mr. Carnicelli: Any questions for the testifier? Seeing none. Thanks Jen. Ms. Maydan?

36
37 Ms. Maydan: Chair, the next testifier is Keeaumoku Kapu followed by Dean Frampton.

38
39 Mr. Keeaumoku Kapu: Aloha. Can you hear me?

40
41 Mr. Carnicelli: We can.

42
43 Mr. Kapu: OK. Hi. Aloha kakou. Keeaumoku . . . (inaudible. Spoke in Hawaiian) . . . My name is
44 Keeaumoku Kapu. I am from . . . (inaudible) . . . Valley. I just sitting here listening to all these
45 testimonies and to the point I'm oblivious that, you know, throughout the year, as you know, how

1 hard it is to get families to come to meetings, especially for the fact to give their mana'o or their
2 interpretation on what basically should happiness, especially in the historic corridors. And I'm not
3 only talking about all Olowalu, Lahaina, Kaanapali, but those key areas that there's a lot of family
4 that live in Lahaina that are really concerned about how these areas are going to be developed,
5 well enough over developed. So we spent a large amount of time, me, my wife and our ohana
6 that we could get these meetings to give some kind of simple perspective on how we look at how
7 the future of Lahaina town basically because it's part of a historic district and a part of a historic
8 corridor. And how these things would, would kind of manifest within itself with a broad
9 understanding of how everybody can interpret their so-called plan by keeping Lahaina the capital
10 of the kingdom of what it basically is, and not turning into some kind of Disneyland for preparing
11 it for people who are coming to visit on a short term, you know. That's why I guess that's -- the
12 amount of people testifying saying that we need short term rentals, but what about the hotel
13 industries and what about the work force capacity of people that depend in those kinds of areas,
14 and so and so on? Oblivious to the point as to where there's a lot of scientific terminology. But
15 then at the same time, we're looking at, you know, doing these 201H fast track projects where
16 they don't have to be required to do an environmental impact statement. You know, to the hell
17 with the environment. That's what I'm hearing in this conversation. So I would just like to really
18 reinforce our ohana's whole mission from the get go when we started out into looking at what is
19 workable, what is doable.

20
21 And, the community plan, you know, we've spent a long time, especially families that said, you
22 know, we can no longer trust what happens in the politics because there's always some kind of
23 circumvention all the time. So getting families to buy into these so-called plans, you know, we
24 also even gave some strong language in the ahu moku council system. I would really encourage
25 a lot of this this Commission, the Planning Commission, to look into those values, to make sure
26 these things are not missed and to make sure that our general community, especially our
27 Hawaiian community becomes a part of the process. If not, then there's a downfall.

28
29 Ms. Takayama-Corden: Three minutes.

30
31 Mr. Kapu: And the downfall is going to come from the host people of place. So mahalo for allowing
32 me to testify. Thank you.

33
34 Mr. Carnicelli: Thank you, Mr. Kapu. Any questions for the testifier? Seeing none. Thank you
35 very much, Mr. Kapu.

36
37 Mr. Kapu: Thank you.

38
39 Ms. Maydan: The next testifier is Dean Frampton, followed by Kekoa McClellan.

40
41 Mr. Dean Frampton: Aloha Mr. Chairman, members of the Commission. My name is Dean
42 Frampton. This is the third time I stand before you representing Olowalu Elua in subarea four. I'm
43 pretty sure I've --

44

1 Mr. Carnicelli: Hang on a second. Hang on a second, Mr. Frampton. Since you're going to testify
2 as a representative of Olowalu Elua, then as per what I've done in the past, I'm going to go ahead
3 and recuse myself, and I'm just going to just for the sake of this is just let the record show that
4 Vice Chair Tackett is now running the meeting while you testify in favor or while you testify as a
5 representative for Olowalu Elua who is, who is my employer. So, anyway, just to be consistent
6 across the board, I just want to do that. So go ahead, Mr. Frampton.

7
8 *(Mr. Carnicelli recused himself during Mr. Frampton's testimony, and Mr. Tackett chaired the*
9 *meeting.)*

10
11 Mr. Frampton: OK. Thank you, Mr. Chairman, Mr. Vice Chairman. As I noted, this is the third time
12 I'm before you representing Olowalu Elua. I'm pretty sure I've overstayed my welcome, but I do
13 so standing in support of housing for local families. First, I want to reiterate my opposition to the
14 language and policy, 3.7.2, which prohibits accelerated affordable housing projects. I had some
15 thoughts to share, but I'll spare you the time and say that I stand behind Kyle Ginoza's testimony.
16 Please don't limit our options in solving our island's number one issue, affordable housing.

17
18 Second, I want to address the lands owned by Olowalu Elua in Olowalu. Currently designated for
19 Ag and open space, space, which deviates from the Maui Island Plan designation. Ironically, this
20 Ag and open space designation commits us to the same concerns raised in policy 3.7.2 which is
21 the development of gentlemen estates. I want to reiterate what was presented in the last hearing
22 and what was committed to on record, we committed to new housing entirely workforce or
23 affordable. We reduced the area dramatically to include the small town center and the land, the
24 residential land surrounding it. This is in direct contrast to the 19 large lots that exist that can be
25 bought, sold and developed today.

26
27 Finally, I can count and I know what I'm up against, but I want to end with a push back. And it's
28 bigger than my request today for the lands in Olowalu. It's a charge to this Commission. It's about
29 how we move forward on this island, how we develop. I push back on the idea that we have to
30 develop new housing close to existing infrastructure systems. We have to acknowledge that the
31 County of Maui is not always in a spot or the right entity to provide required infrastructure housing
32 for new projects. This is definitely the case in West Maui, even central, south and upcountry. What
33 happens when these projects designated in the West Maui Community Plan close to existing
34 infrastructure systems can't proceed because there's inadequate water source or insufficient
35 wastewater water lines? These units won't get built, require more from developers and look
36 outside the box. For too long we've been looking inside the same box and the only thing we have
37 to show for it is the housing crisis. Good luck to you all, and thank you for your hard work and
38 your dedication to this community process. Aloha.

39
40 Mr. Carnicelli: Christian?

41
42 Mr. Tackett: Yeah. I'm going to turn it --.

43
44 Mr. Carnicelli: Ask if anybody's got any questions.

45

1 Mr. Tackett: Anybody have any questions for the testifier? If not, I'm going to turn it back over to
2 Lawrence. Oh, go ahead Kellie.

3
4 Ms. Pali: Mr. Testifier? Sorry, I know you, Mr. Frampton. Did you, are you saying -- are you saying
5 that the developer is being -- to handle the cost of the infrastructure needed without reliance on
6 the County? Is that what I'm hearing you say? I'm sorry. Can you clarify that?

7
8 Mr. Frampton: Yeah. I think I've -- we've discussed it quite a bit in the last hearing, and that was,
9 yes, privately -- private water system as well as individual wastewater systems or private
10 wastewater system. So -- and that's in --. Yes, that's correct.

11
12 Mr. Tackett: Thanks, Kellie. Thanks, Mr. Frampton. Do we have, do we have any other questions
13 at this time? Thank you, Mr. Frampton. I'm going to turn it back over to you, Lawrence.

14
15 *(Mr. Carnicelli resumed the meeting the as the Chair.)*

16
17 Mr. Carnicelli: Thank you, Mr. Tackett. Jen, who's next?

18
19 Ms. Maydan: Chair, next is Kekoa McClellan, followed by Tom Croly.

20
21 Mr. Kekoa McClellan: Aloha, can you hear me?

22
23 Mr. Carnicelli: Yes, we can.

24
25 Mr. McClellan: Aloha, Ahi ahi Chair Carnicelli and honorable members of the Planning
26 Commission. I am Kekoa McClellan, representing Host Hotels and Resorts. I'm speaking in
27 support of a friendly amendment to policy 2.4.3 of the West Maui Community Plan found on page
28 56 of the draft plan. For reference, the Host Hotels and Resort ohana employs more than 2,000
29 residents on Maui and over 100 independent contractors throughout the County. We are
30 committed to creating long term value through investing responsibly in our business, our
31 environment, people, and our community. Now our corporate responsibility program is centered
32 around these concepts of responsible investment with an overarching strategy that guides our
33 focus and actions across dreaming themes of environmental stewardship, social responsibility
34 and governance.

35
36 The West Maui Community Plan presents a tremendous opportunity for the County to revisit and
37 align policies and practices with the current needs of our community, our environment, and the
38 changes in the socio-economic landscape of West Maui. And affordable housing is an important
39 component of this plan. As written, current policies of the West Maui Community Plan are a little
40 incongruent with this focus on affordable housing and, if implemented, would discourage the
41 construction of new affordable housing units by the hotel industry. Specifically, the language
42 contained in policy 2.4.3 of the plan, which would render any new hotel unit unbankable and
43 altogether killing the construction, the jobs, and the requisite affordable housing tied to those
44 projects. And after our brief presentation on October 13th to the Commission and some diligence
45 in community around the island and with others that are affected by this policy, we have

1 respectfully submitted the following language in writing to the Commission as an amicable
2 amendment in place of policy 2.4.3 of the plan, specifically additional transit accommodation units
3 in the West Maui Community Plan area shall comply with the County's affordable housing
4 requirements. And developers of transit accommodation units shall prioritize fulfillment of
5 affordable housing obligation within the boundaries of the West Maui Community Plan.
6

7 It's important to note that this amicable amendment preserves the intent of the years of community
8 input that went into the planning process by specifically promoting the construction of affordable
9 units consistent with the County's needs and enabling County regulators with the authority to work
10 with the hotel industry in prioritizing the construction of those affordable units in the parts of West
11 Maui where it's needed the most. We note the support for this amendment from other members
12 of our hotels and lodging industry, and the thousands of Maui County based employees of those
13 hotels, support from the Hawaii Construction Alliance, and their 15,000 members --
14

15 Ms. Takayama-Corden: Three minutes.

16
17 Mr. McClellan: -- as well as the Hawaii Building and Construction Trades Council on their 25,000
18 members. Mele Kalikimaka, thank you for your time and we appreciate your support for this.
19

20 Mr. Carnicelli: Thank you, Mr. McClellan. Any questions for the testifier? Seeing none. Thank
21 you, Kekoa.
22

23 Mr. Tom Croly: Aloha Committees. Tom Croly here. And I've wanted to just make a comment on
24 -- I heard some comments about the Minatoya properties. We should stop using that term. The
25 properties that were previously considered under the Minatoya opinion is all now codified. The
26 County Council has now guaranteed those people their right to continue to use their apartment
27 zoned condominium units for short term rental. That's not up for debate right now. Now, maybe
28 this plan is saying we want to get rid of this law that the County just passed, okay. But it's not a
29 loophole or anything like that. The Council -- for many years, these properties have legally been
30 able to make the use of short term rental, but it wasn't clearly spelled out in code. Now it is clearly
31 spelled out in code. It's not really up for debate and it really shouldn't be part of this discussion.
32

33 But from a further standpoint, there's this policy statement in 2.5.16 that is flawed. It assumes that
34 short term rentals are taking away affordable housing. And that's not necessarily the case. And if
35 you got rid of these short term rentals in one way, shape or another, do understand that there are
36 far more second homes, second homes that are not short term rentals where the guy doesn't
37 want a permit and he's not allowed to do short term rental and he doesn't care. Okay. Those,
38 that's where the majority of your housing has disappeared to. People may identify these as short
39 term rentals, but they're not short term rentals. So, so, so you have to understand that a policy
40 that says, let's get rid of these short term rentals over here is not going to address where your
41 housing actually is disappearing. And it's not disappearing into short term rentals. It's disappearing
42 to second homes that are used occasionally by their owners and not -- and those owners have
43 no desire to rent them out short term.
44

1 And the Council just passed something that is actually going to be a policy that's going to make
2 this worse. Because they said if you're not going to do short term rental and you own a condo
3 that's allowed to do short term rental, we're still going to tax you as a short term rental. We're still
4 going to charge you the highest punitive rate for that. So some of those people are going to sell
5 those condos to someone who wants to do short term rental. And then what are they going to do?
6 They're going to buy a second home in a neighborhood that you really would prefer be a local
7 person. And you're not going to be able to stop them because they're going to buy that home and
8 use it as a second home, and not a short term rental. So you've got to be careful about what you
9 assume is going to happen as a result of these policies. 2.5.16 is not a good policy, and I would
10 encourage you to remove it from the plan. Thank you, Chair.

11

12 Mr. Carnicelli: Thank you, Mr. Croly. Any questions for the testifier?

13

14 Mr. Croly: Good luck.

15

16 Mr. Carnicelli: Okay. Thank you, Tom. Before we go to the next testifier, Chad Fukunaga, if you
17 could check your direct message. The Planning Department has a question for you. So, Chad, if
18 you're listening -- I'm sure you're listening. Anyways, check your private messages on the chat
19 function from the Department. Jen?

20

21 Ms. Maydan: Thank you, Chair. Let's see, Leilani Pulmano signed up to testify. But then she told
22 me that she had to leave the call, and I do not believe that she's back yet. But then our last testifier
23 that I have signed up is Junya Nakoa.

24

25 Mr. Junya Nakoa: How's it. You guys can hear me?

26

27 Mr. Carnicelli: We can.

28

29 Mr. Nakoa: . . . (Inaudible) . . . Happy holidays bra. What you call, you know, the Kaanapali 2020,
30 I was at those meetings. In 1999, I was at those meetings, and with that guy Howard like that.
31 They when change -- you know, they when ask for change the zoning then for build all these
32 hotels and all these million dollar homes off the top of Kaanapali Hill. And then with all of that they
33 was supposed to build affordable housing, workforce affordable housing for their workers. And
34 never been built. Just last week, Tamara Paltin's committee and the County Council, we educating
35 ourselves that and something I've been working on for 17 years. I'm passionate about this.
36 Seventeen years I've been working on this is where we got to get these homes when West Maui
37 built that these hotels, Kaanapali 2020, all these guys owe us these houses. That's why -- that's
38 why we no more houses because of this housing credit thing. And so I kind of, you know, very
39 passionate about this. I know the Long Range Planning stuff, they looking into making a map so
40 we can hold all these developers in compliance. And we've got to get them going, bra, we got to
41 attack these guys. So all these guys asking for some more change of zoning, no give 'em. No
42 give 'em until all the housing that was committed to us is built. Get it built first before anything
43 these guys like change the zone for be change. No change of zoning until all our housing has
44 been committed to us. I'm passionate about this.

45

1 Yeah, and what else? Yeah, the Canoe Beach one, yeah, leave it as is. No touch that bugga
2 cause I tell you, you get a whole Lahaina going come against you guys. That's the only beach we
3 get right now. That and . . . (inaudible) . . . sand box, so no touch that bugga because hoo-wee
4 going be crazy.

5
6 And then, yeah, you know, how the Ginoza guy was asking about develop the, making affordable
7 homes in south of Lahaina and north of Kapalua. Hey, if those guys like build, you know, the kind
8 of affordable homes, those guys can afford to build 100 percent affordable homes. No go ask for
9 the 201H break, you know, and all that kind of stuff. Build the damn houses. Build it. These guys
10 get money for do 'em. These developers, the big land owners in Olowalu and in Kapalua, they
11 like build the affordable homes, build them, no need talk about them. Build the damn thing.

12
13 What else? Yeah, the Kaanapali 2020, no give them the change of zoning because no going
14 oblige their, their housing credits and the affordable workforce housing had had designated land
15 . . . (inaudible) . . . that was designated for the affordable homes. Go look 'em. Stay in the map,
16 guarantee. Bra, but hold them accountable. Hold these guys accountable. I work on this for 17
17 years guys. I passionate about this.

18
19 Ms. Takayama-Corden: Three minutes.

20
21 Mr. Nakoa: And I not going stop. Mahalo guys. Have a good one. Happy holidays.

22
23 Mr. Carnicelli: Thank you Mr. Nakoa. Any questions for the testifier? Junya, I know that we're not
24 supposed to have, like, you know, preferences or anything like that. We're supposed to treat
25 everybody the same, but I think you're my favorite testifier. Really, your, your passion is fun.
26 Anyway, have a good Christmas.

27
28 Mr. Nakoa: You guys too. You guys be safe.

29
30 Mr. Carnicelli: Thanks. Jen?

31
32 Ms. Maydan: Chair, I don't have anyone else signed up to testify at this point.

33
34 Mr. Carnicelli: Ms. Nishiki is going appear. Oh, there she is.

35
36 Ms. Kai Nishiki: Hello.

37
38 Mr. Carnicelli: Hi Kai.

39
40 Ms. Nishiki: Hi. I'd like to offer testimony when you're ready.

41
42 Mr. Carnicelli: You go.

43
44 Ms. Nishiki: Okay. I'm Kai Nishiki, testifying on my own behalf, and I promise to be truthful. Here
45 we are at the end of the review process. I'm having flashbacks to our last CPAC meeting. So at

1 previous meetings, there were several attempts to make significant changes to the draft plan. I
2 sincerely hope that today's meeting time will not be used to repeat that same process. Please
3 respect the years of time that was put into the draft plan. I believe our new council will absolutely
4 support the CPAC draft, and I would hate to see this body disregard the years of hard work that
5 went into this plan when we can assume that the new council will support the West Maui
6 Community's version.

7
8 In citing additional park and open space, we expanded areas mauka to accommodate the loss of
9 beaches due to erosion and sea level rise, and to address the extreme shortages of parks in West
10 Maui, and also to provide separation between certain areas within West Maui.

11
12 In regards to housing, I'm going to repeat this over and over again. The estimated housing units
13 needed in West Maui by 2040 that was provided to us was 6,923. And with the plan presented to
14 you, the possible housing units is 7,950, which is a surplus of over 1000. We can go into why
15 housing doesn't get built. But from our perspective, we did what our task was, which is to make
16 sure that we have enough housing for our people according to the plan.

17
18 Let's also count the testimony. Over 500 heartfelt written testimonials and hundreds more who
19 testified in person to support -- to support protecting the areas south of Puamana and especially
20 Olowalu from further sprawl and environmental degradation were submitted to the CPAC,
21 Planning Commission and County Council.

22
23 I'd like to address an issue that keeps getting brought up regarding whether the CPAC discussed
24 every single item listed within this plan. CPAC members received in-person presentations for
25 many meetings. We were provided documents to review and we were expected to come to
26 meetings prepared to submit policy and action items, and also proposed changes through
27 amendments or deletions. All members were given ample opportunity at every meeting to propose
28 changes or new items. During the process as a CPAC we realized how much time can be eaten
29 up in discussions, in discussions that didn't accomplish much. I know you guys know what I'm
30 talking about. And in order to focus on getting through our task, we requested that members
31 actually make proposals --

32
33 Ms. Takayama-Corden: Three minutes.

34
35 Ms. Nishiki: -- and make discussions that would happen based upon these items within the plan.
36 I will be available as a resource person on the call, so feel free to call upon us if you need.

37
38 Mr. Carnicelli: Thank you. Any questions for Ms. Nishiki? Seeing none. Thank you, Kai.

39
40 Ms. Nishiki: Thank you.

41
42 Mr. Carnicelli: You got your Luna red on as well.

43
44 Ms. Nishiki: Bye.

1
2 Mr. Carnicelli: Thank you. Jen, I think I saw somebody else asked to testify? Yes?
3
4 Ms. Maydan: Yes, Chair. We have two more people. Leilani Pulmano, followed by Maya Myers.
5
6 Ms. Leilani Pulmano: Chair, shall I go ahead? This is Leilani.
7
8 Mr. Carnicelli: Go ahead, Leilani.
9
10 Ms. Pulmano: Thank you. Thank you for all your guys hard work. I was a member of the West
11 Maui Community Plan Advisory Committee. And first, I'd like to say I really appreciate the fact that
12 you guys have been adding light-industrial into the plan. Many of the meetings I had looked for
13 light-industrial spaces within the different community plan areas to add, so thank you for doing
14 that. And the second thing I want to say that is that the current version of the West Maui
15 Community Plan should be consistent with the Maui Island Plan. The Maui Island Plan reflects
16 several urban and rural growth areas, especially in subarea four. And while the current plan leaves
17 out the community plan designations that match the Maui Island Plan growths, growth areas, the
18 current plan shows only park, open space, and agricultural designations in these growth areas.
19 This would effectively eliminate any chance for working local families to have homes in this area.
20 So most of these parcels in this area are larger than two acres and can be no longer subdivided.
21 Therefore, which basically means is what you see is what you get.
22
23 And second, the plan then doubles down on eliminating any chance for homeownership by
24 working local families by including the policy, policy 3.7.2, talking about the 2.97 and the State
25 201H process. So this policy would then seemingly remove the opportunity for any homes in that
26 subarea that would be in for -- that would be affordable in a rural setting. I would remind the
27 Commission that the 201H and County 2.97 processes allows for public review and Council
28 approval, thereby vetting the merits of the project.
29
30 So I'd ask you guys to consider to . . . (inaudible) . . . community plan designations to match the
31 Maui Island Plan and remove policy 3.7.2.
32
33 Mr. Carnicelli: Thank you, Ms. Pulmano. Any questions for the testifier? Seeing none. Thank you,
34 Leilani. And also thank you for your service on CPAC as well.
35
36 Ms. Pulmano: Thank you.
37
38 Ms. Maydan: Chair, the next testifier is Maya Myers, followed by Mark Deakos. And Mark is the
39 last person I am signed up for now.
40
41 Mr. Carnicelli: I'm sure there's somebody else lurking out there. All right.
42
43 Ms. Maya Myers: Good evening. This is Maya Myers. Can you hear me?
44
45 Mr. Carnicelli: We can.

1
2 Ms. Myers: Great. Thank you. And thank you for your time today in hearing all of our testimony. I
3 am speaking to action item 5.08 on page 152 regarding the phase out of short-term rental homes.
4 I myself, am a short-term rental home owner and operator, and I run the property myself. I'm the
5 property manager as well. I have been -- I was born and raised in Hawaii. I've been in West Maui
6 for over 20 years, and I do see that there is a need for affordable housing. However, I don't think
7 that the phase out of short-term rental homes is the answer to that question or that problem. For
8 a number of reasons obviously. Our home is a luxury home, and should we not be able to operate
9 as a short-term rental home, and we were to rent it, it would not be considered something that
10 anyone in the service industry, whether a restaurant or a co-worker, would be able to afford to
11 rent at nine or ten thousand dollars a month. It would not be something that would be considered
12 affordable for them. Myself, when I was in my 20s and 30s in West Maui, with working three jobs
13 at any given time to save money to buy my own home, and the last thing I would do is spend a
14 lot of money on my rent. You want to save your money to buy your own home so I don't think that
15 that would be the answer as far as luxury homes for affordable housing options or rentals for
16 anybody in our service industry.

17
18 Also speaking to the real property taxes, I understand that our real property taxes are a huge
19 contributor to our County revenue. And just to give you a small idea of what our real property
20 taxes are like this year since they've increased, and I'm not here to complain about real property
21 taxes, I'm just here to give you an idea. For this year alone, our property taxes are over 20,000
22 dollars -- 20,710 dollars, which is a big chunk of change. And although we're only 88 homes here
23 in West Maui, I would assume that they're all fairly around the same real property tax change as
24 myself and that would be a huge chunk of County revenue that I'm not sure what your plan would
25 be to make up for any of that loss.

26
27 And lastly, just to speak to COVID. Since we have been able to open since October and speaking
28 with all of our guests that have been coming and staying that our short-term rental homes since
29 this has all begun, I can't tell you how happy they are to still come back to Maui. They want to be
30 here, and being in a home in a controlled environment is what they are looking for, not to be in a
31 hotel at this moment surrounded with one hundred of --

32
33 Ms. Takayama-Corden: Three minutes.

34
35 Ms. Myers: -- perfect strangers who they don't know, sitting by the pool. So just that we can give
36 them a close --

37
38 Mr. Carnicelli: Thank you. Thank you, Ms. Myers.

39
40 Ms. Myers: -- environment --. Okay, thank you so much for your time.

41
42 Mr. Carnicelli: Appreciate it. Questions for the testifier? Seeing none. Thank you, Ms. Myers. We
43 appreciate it. Mr. Deakos.

44
45 Mr. Mark Deakos: Chair, can you hear me?

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Mr. Carnicelli: We can.

Mr. Deakos: Good evening, Chair. Missed you. Planning Commissioners. My name is Mark Deakos, 23-year resident of West Maui. Did my PhD research at Olowalu so it's very dear to my heart. My testimony today focused on subarea three, and mostly four.

First of all, I want to share with you my very first West Maui Community Plan meeting about two years ago. I sat around a table with several other community members, mostly Hawaiian, born and raised on the west side, and despite the free pizza, nobody is very happy to be there and expressed their strong concerns for volunteering significant personal time to this process only to have a handful of Commissioners or Council Members change it all at the last minute. Although the Planning Department assure that their input was vital for the plan to reflect the true wishes of the community and they should trust the process, they, the Planning Department also agreed with me that 201H development can certainly bypass the entire process. And that's exactly why 201H is called out specifically in this plan because the major landowner for West Maui, instead of getting broad community support for those projects, consistently uses 201H to bypass community wishes and hopes that you guys today will take that language out of the plan.

I also want to address some of the Commissioners' concerns. The first is that high density, some high density affordable homes in Olowalu is better than gentlemen estates. The land at Olowalu is zoned ag, not gentleman estates. If that zoning is being taken advantage of with fake farms and we all know it is, then address the policy language to ensure true farming occurs on these lands. Otherwise, recommend zoning it open space or conservation land to prevent rich folks from taking advantage of those precious lands.

And lastly, is the defense that we just need affordable housing inventory. This shooting from the hip approach to build at any cost is the reason West Maui has seen traffic, the worst water quality and State, water scarcity, harden shorelines, dead reefs, on and on, and we've designed it that way. But we now know better. We know how to grow responsibly without exacerbating these issues through smart growth and regenerative growth principles and not sprawl. We have plenty of opportunities for smart growth through affordable housing in and around Lahaina.

In closing, please don't send a message to the West Maui community that the community plan process was a waste of their time, that the Planning Department recommendations for smart growth don't matter, and that growth at any cost is still Maui's philosophy. Please accept the recommendations from the CPAC and the Planning Department. And thank you for your community service.

Mr. Carnicelli: Thank you Mr. Deakos. Any questions for the testifier? Seeing none. Thank you, Mark. Merry Christmas.

Mr. Deakos: Mahalo. You too.

Mr. Carnicelli: I believe Tammy Harp is next.

1
2 Ms. Tammy Harp: Aloha.

3
4 Mr. Carnicelli: Aloha.

5
6 Ms. Harp: Aloha Commission Members. Tammy Harp. I just wanted to touch on 2.3, the goal,
7 responsible stewardship of resources, culture and character. Why is it important? Paragraph two
8 reads: Historically, natural resources where cultural resources in Hawaii, without natural
9 resources, traditional cultural practices could not happen, taro couldn't be grown, plants couldn't
10 be gathered, fish couldn't be caught. This is my, my, my mana'o towards that. I wanted -- you
11 know, this is my input for that paragraph. Historically, the land, sea and sky had an integral part
12 within a community throughout Hawaii. Without ecological respect of, for natural resources, then
13 traditions and cultural practices could not happen, plant and marine life could not be gathered to
14 heal nor sustain a community, fresh water irrigation knowledge for taro cultivation would be non-
15 existent. I'll send that to the -- in the email so that in case -- you know because it's so much better.
16 But, yeah, I wanted to give more punch to that because you know, this pandemic shows us the
17 real intent of people who claim residency but don't want short-term vacation rentals phased out.
18 You see, sometimes we're going to have to do things like that because we will eventually phase
19 out, throw crafts off Lahaina and the moorings off of Mala Wharf. So, yeah, it's important because
20 I'm a seventh generation. I was a resident, but I'll be a resident again within this 20 years. And
21 there's many of us there still and our seniors are alive, my dad, you know. And you know, I feel
22 like I'm back in the 70's again, you know, when it first began. And I trust that you folks will do the
23 right thing.

24
25 And, and to end this, I'll just say, in the words of . . . (inaudible) . . . Fisher the ecological effects
26 of the . . . (inaudible) . . . monoculture become even more troubling as large traps such as golf
27 courses displace whole ecosystems in a single stroke. And it saddens me because even within
28 this 20 year we're going to have thousands upon thousands of more residents. And I cannot see
29 Lahaina being a miniature O'ahu because we don't deserve that. We rely on the au au channel
30 for food. We rely on the rivers, the lo'i. You know, all these things, we have skeletal remains of
31 lo'i terraces in our valleys, you know, all because of diversion of water --

32
33 Ms. Takayama-Corden: Three minutes.

34
35 Ms. Harp: -- for irrigation. But anyway, I would assume each valley should support their own water.
36 Mahalo.

37
38 Mr. Carnicelli: Thank you, Ms. Harp. Thank you. We appreciate it. Any questions for the testifier?
39 Seeing none. Thank you, Tammy. We appreciate it.

40
41 Ms. Harp: Okay. Have a nice evening. Mahalo.

42
43 Mr. Carnicelli: You too. I know you'll be around. Is there anybody else that would like to testify? I
44 guess I could look at the chat real quick. Jen, did anybody else sign up? And if not --. It looks like
45 Tammy was last one to sign up. But if there's anybody out there that would still like to testify, we'll

1 give you an opportunity to unmute yourself and step forward and provide your testimony at this
2 time.

3
4 Ms. Angela Lucero: Chair Carnicelli?

5
6 Mr. Carnicelli: Yes?

7
8 Ms. Lucero: My name is Angela. May I testify?

9
10 Mr. Carnicelli: You may.

11
12 Ms. Lucero: Okay. Hi there. I don't know if you guys can see and hear me.

13
14 Mr. Carnicelli: We can.

15
16 Ms. Lucero: Okay. Wonderful. I didn't want to go last, but I wasn't sure I'd be here in time.

17
18 Mr. Carnicelli: Then you got to step up. But you got to step up before everybody else does if you
19 don't want to go last.

20
21 Ms. Lucero: I know. That's what I get for procrastinating. Let me just say that I want to thank you
22 all for your service. I know it's so much work. And you guys have listened to the community
23 testimony, and you've grappled with a lot of the same things, policies, action items, and places
24 on the map that the CPAC has also grappled with. I was on the CPAC. I don't know if I mentioned
25 that. And so I just want to thank you for your time and service because it is a service to the
26 community, and I appreciate that sincerely. And I know other people do, too.

27
28 And so I -- yeah, I would just ask that you -- even though I didn't love all the changes that you
29 made, I know that you were really trying to grapple with the whole intention -- looking at it, like
30 you mentioned, from a broader viewpoint with also taking into the considerations, the
31 recommendations from the testifiers that you are hearing, as well as the CPAC recommendations.
32 And it's funny, Chair Carnicelli actually, the first meeting, I think I was officially a member of CPAC
33 because I didn't join until January of last year, he came and he testified. And I think it was
34 something to the effect of because the, the Planning Department's recommended maps didn't
35 necessarily reflect the Maui Island Plan. And so he said, you know, don't let it be -- like, don't --
36 that what these people did on the, you know, as they were putting together the Maui Island Plan,
37 that that mattered. And so to take that into consideration, that that mattered, the work that they
38 put in mattered. And so that's kind of come full circle. Because I did ask him, well, you're the Chair
39 of the Planning Commission, so what are you to do with our recommendations? And he said, well,
40 we'll see when we get there. You know, it's the thing that you're kind of juggling it all together.
41 And so it's funny that it's all full circle. But I, I just want to thank you for your service. And again, I
42 asked just that what we did mattered, you know. And so I would ask for you to take that into
43 consideration and put our, our CPAC recommended plan forward. So, that's my request. And
44 again, thank you all for your service.

45

1 Mr. Carnicelli: Thanks, Angela. Any questions for her? Seeing none. Thank you.

2

3 Ms. Lucero: Thanks.

4

5 Mr. Carnicelli: I like that; full circle. Is there anybody else who would like to testify, please unmute
6 yourself, and if you also wish, unmute your video as well and step forward. We have to close
7 public testimony pretty good so I can just walk over and turn the lights on. I'm in the dark right
8 now. All right, going once. Going twice. Last chance. Okay, so there's no objections, we're going
9 to close --

10

11 Ms. Maydan: Chair?

12

13 Mr. Carnicelli: Somebody jumped in?

14

15 Ms. Maydan: Someone just wrote in the chat. Fay MacFarlane.

16

17 Mr. Carnicelli: Come.

18

19 Ms. Fay Mac Farlane: Aloha. Mahalo for hearing my testimony today. I would like to make my
20 comments about keeping all park, open space designations as they are, and opposing anything
21 or any changes for higher density. And you don't need to ask me about which parts of the plan. I
22 mean, anywhere that it says park or open space, I would oppose a designation change to anything
23 higher density. But specifically for subarea four I would oppose any changes from agricultural
24 designation to higher density. And actually, sorry, make that subarea three and four. I also
25 criticized Chair Carnicelli's comments directing the tone of public testimony. If the public wants to
26 testify against any Commissioners or anybody else, it's not really for you to dictate our tone.

27

28 Affordable housing should not be able to dig up dead people, destroy archeological features,
29 pollute the aina and nearshore regions of the island community, not just the West Maui, but the
30 island community you've heard from. They do oppose these lobbyists, whether connected to
31 developers, realtors, title companies, mortgage brokers, whatever. Planning Department
32 recommendations for smart growth and all the community input that went into CPAC and the
33 meetings, those of us that took time away from work and other responsibilities to participate, I
34 really hope that you don't throw those efforts away.

35

36 Fast track that sought by west side developers often aims to disenfranchise members of our
37 community who have title disputes on lands, and civil courts need time to and due process to
38 adjudicate these contested land ownership. So, I please urge the Planning Commission not to
39 jump the gun to suppress those claims in order to line certain people's pockets. Mahalo for your
40 time.

41

42 Mr. Carnicelli: I'm sorry, testifier, if you would please identify yourself for the record. State your
43 name for the record, please. Okay, I guess not. Thank you. Is there anybody else that would like
44 to step forward and testify? Going once, going twice. All right, so if there are no objections, we're

1 going to go ahead and close public testimony this time. Seeing no objections, public testimony is
2 now closed.

3
4 So Commissioners, it is now 6:09 p.m. It's time for a break. Break, get some dinner, whatever it
5 is, stretch our legs. Let's come back at – let's come back at 6:30 p.m. Let's come back in 21
6 minutes, okay. Let's give ourselves 21 minutes, just stretch your legs. Do what it is that you need
7 to do, and then when we come back, we'll just start with anything that you guys want to bring up.
8 We'll take our turns and try to wrap this thing up. So anyways, but first of all, I wanted to say
9 before we go to recess, thank you everybody who has testified, so appreciate it. And we are now
10 in recess until 6:30 p.m.

11
12 *(The Maui Planning Commission recessed at approximate 6:09 p.m., and reconvened at*
13 *approximately 6:31 p.m.)*

14
15
16 **B. UNFINISHED BUSINESS**

17
18 **1. MS. MICHELE CHOUTEAU MCLEAN, PLANNING DIRECTOR, transmitting the**
19 **West Maui Community Plan Advisory Committee's recommended revisions**
20 **to the West Maui Community Plan pursuant to the provisions of Chapter**
21 **2.80B of the Maui County Code. (J. Maydan)**

- 22
23 **a. Section 1 Plan Framework**
24 **b. Section 2 Policy Framework**
25 **c. Section 3 Growth Framework**
26 **d. Section 4 Implementation & Monitoring**
27 **e. Section 5 Appendices**

28
29 Mr. Carnicelli: Carolyn, if you would, please start the recording. Hello. Hi, everybody. The Maui
30 Planning Commission special meeting of December 8th, 2020 is now back in session. You know,
31 the Director actually reached out to me at the break and I think she had a better idea than I did.
32 And that is -- which is not uncommon -- is why don't we go ahead and go section by section rather
33 than a free for all, you know, rather than just going saying, hey, listen, you what changes do you
34 guys have? Let's go ahead and walk through this thing. Jen, Pam, are you guys okay with that as
35 well? I think it's probably a better idea than mine.

36
37 Ms. Eaton: Yeah.

38
39 Ms. Maydan: Absolutely.

40
41 Mr. Carnicelli: Okay. So I guess we'll start with section --. Or Commissioner La Costa.

42
43 Ms. La Cost: Thank you, Chair. There have been a lot of changes in here that I have scribbled by
44 hand. So if we go section by section, how are we going to --. Never mind. Never mind.

1 Mr. Carnicelli: Yeah, because we do have --. I mean, I don't know how much you guys want to
2 dive into this, you know, and every single change that we made. But Jen did put together, you
3 know, this transmission. It that does have the changes that we made. It doesn't necessarily talk
4 about the deliberate -- because there's a few things that we deliberated on for an hour plus and
5 didn't change. So anyways, let's start with section one. Commissioners, is there any changes or
6 anything that you want to address in section one? All right, that was easy. Section one, good,
7 we're done. Section two? Is there anything we want to talk about, address, go over in section
8 two? Commissioner La Costa.

9
10 Ms. La Costa: Thank you, Chair. I would like to specifically address on page 62 and 63, 2.5.11
11 and 2.5.18. You're holding that up.

12
13 Mr. Carnicelli: Right. 2.5.18 and which one?

14
15 Ms. La Costa: 2.5.11 and 2.5.18.

16
17 Mr. Carnicelli: Okay, what are your --. What is your proposal?

18
19 Ms. La Costa: My proposal is that we keep 2.5.11.

20
21 Mr. Carnicelli: Oh, we edited it.

22
23 Ms. La Costa: Yeah, it was edited in the back.

24
25 Mr. Carnicelli: Okay.

26
27 Ms. La Costa: And 2.5.18.

28
29 Mr. Carnicelli: Well, let's just -- let's just do 2.5.11.

30
31 Ms. La Costa: Okay.

32
33 Mr. Carnicelli: Let's do them one at a time.

34
35 Ms. La Costa: Sorry. Sorry.

36
37 Mr. Carnicelli: So we have the edit that we, that we made, that we adopted whenever it was
38 adopted. What is, what, what, what do you want to amend?

39
40 Ms. La Costa: Sorry. Hang on just a second. I'm sorry. I dropped my papers all over.

41
42 Mr. Carnicelli: Okay.

43
44 Ms. La Costa: I beg your pardon. Excuse me.

45

1 Mr. Castro: . . . (inaudible) . . .

2

3 Ms. La Costa: Sorry, Chair. I'm sorry, what Stephen?

4

5 Mr. Castro: Did we add some verbiage, when possible?

6

7 Ms. La Costa: Yes.

8

9 Mr. Carnicelli: Yes. Do you have the transmission that came in the packet that shows all of the
10 edits? Because that's going to be super important as we go through this, is to have . . . (inaudible)
11 . . . and the edits so that we know where we're going from. Because with the addition and things
12 that we've already adopted. So Commissioner La Costa, do you have a change to what we
13 changed?

14

15 Ms. La Costa: No, I'm sorry. I just wanted to make sure that that was kept.

16

17 Mr. Carnicelli: Okay. So then 2.5.18, you want to do what?

18

19 Ms. La Costa: I just want to be sure that when it talks about promote -- promoting the use of
20 sustainable green building and development practices, I think their PD should be a mandatory --.
21 We, we mandated hot water, solar hot water years ago in new buildings. And I just think that as
22 2045 gets closer and closer, if it is in the West Community Plan and the Council sees that West
23 Maui wants to be sustainable and green, that perhaps it will help change people's mindsets before
24 2045 for the Earth.

25

26 Mr. Carnicelli: . . . (inaudible) . . .

27

28 Ms. La Costa: My proposal is to include in development practice, the use of photovoltaic systems
29 on new construction.

30

31 Mr. Carnicelli: So 2.5.18 reads now, promote the use of sustainable green building and
32 development practices such as Leadership in Energy and Environmental Design Standard,
33 period.

34

35 Ms. La Costa: Correct. And the use of photovol --

36

37 Mr. Carnicelli: . . . (inaudible) . . .

38

39 Ms. La Costa: And the use of --. I beg your pardon

40

41 Mr. Carnicelli: . . . (inaudible) . . . You want to say comma. You would say comma.

42

43 Ms. La Costa: I do. And they use a photovoltaic systems in all new construction.

44

45 Mr. Carnicelli: Do you have that Jen?

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Ms. Maydan: Yes Chair.

Mr. Carnicelli: Is there any objections to this change? Commissioner Pali.

Ms. Pali: . . . (inaudible) . . . I think I just have that here. So and I'm -- I don't have, I don't know why, I don't see that I have the revisions, but I have my notes here. So I wanted to just see what's happening. So on 2.5.11, I believe we changed some language of instead of required it says suggests. Is that correct.

Mr. Carnicelli: Here's what I have. It says edit the policy to read, require, --. Let's stay on 18, because we're at we're on 18 right now. We go back to 11.

Ms. Pali: Sorry. Okay. Never mind. Oh, I have no comment. Oh, I do have a comment 18.

Mr. Carnicelli: Wait, hang on. Hang on. Is what is what P. Denise just had said was at the end of 2.5.18 where it says design standards, comma, and then she added her photo-voltaic language. Are we okay with that on 2.5.18?

Ms. Pali: Yeah, if we're just promoting it, I'm okay with that.

Mr. Carnicelli: Everybody's okay with that. Okay, so consensus, it's adopted.

Mr. Edlao: Wait, wait.

Mr. Carnicelli: Sorry. Go ahead, go ahead, Jerry.

Mr. Edlao: Commissioner La Costa, . . . (inaudible) . . . to incorporate, or shall, or must, or what?

Ms. La Costa: I'm saying -- I'm saying that the use of PV in new construction shall be required.

Mr. Carnicelli: Well then hang on.

Mr. Edlao: The question I --

Mr. Carnicelli: That's not -- that's not how this read, P. Denise. It reads --

Ms. La Costa: It says --

Mr. Carnicelli: -- promote. At the very beginning, the very first word is promote.

Ms. La Costa: Ah-ha.

Mr. Carnicelli: It doesn't, it doesn't say require. It says promote.

1 Ms. La Costa: It says promote the use of sustainable green building and development practices
2 such as the Leadership in Energy and Environmental Design Standard, comma, and the use of
3 PV in new construction. So promoting just means you should do it. It doesn't mean you have to
4 do it. I, I disagree with that. I, I think that we have to give --. We have to get greener sooner than
5 45. That's 25 years. Look at all the energy we're going to waste all the fossil fuel so I, I --
6

7 Mr. Carnicelli: So you're disagreeing with your own amendment?
8

9 Ms. La Costa: No, I'm disagreeing with the word, promote.
10

11 Mr. Carnicelli: Okay. So, so then you want to promote too then. You want to say is -- I mean, is
12 I'm just asking you what you want. So just tell us --
13

14 Ms. La Costa: Sure.
15

16 Mr. Carnicelli: -- what you want and then we'll vote on that.
17

18 Ms. La Costa: I think it should say require the use of sustainable green building and development
19 practices . . . instead of promote.
20

21 Mr. Carnicelli: Okay. And then plus your photovoltaic. Commissioner Edlao?
22

23 Mr. Edlao: You know, my concern is that if the developer or whoever is going to do the building
24 to make it affordable, adding that, or forcing them to do that, or requiring them to do that may add
25 costs to the construction, and that would be my concern, you know. I mean, already, you know -
26 - you said, you said promote so I'd be happy with that. And if they could, if they can do it at an
27 acceptable cost, you know, without getting way out for the buyers. But to say require, I think, it
28 would, it would put a pinch in the developer's pocket or, you know, add costs to the project.
29

30 Mr. Carnicelli: Commissioner La Costa?
31

32 Ms. La Costa: I understand what you're saying Commissioner Edlao. And if you recall when they
33 added that solar hot water was required on all new construction, people had a problem with that,
34 and now they're glad they're doing it. The folks who sell, install, and promote PV systems lease
35 them at a reasonable cost. AOAOs can get tax write offs. I mean, there are all kinds of ways to
36 get around it, but we use three million gallons of oil on this island. Three million.
37

38 Mr. Carnicelli: This is where I'm going to go with is, this is my two cents is this. It's a great idea
39 that everything's built to LEED standards and that everything's photovoltaic. Awesome idea. We're
40 trying to legislate through the community plan process that's riddled through this entire plan. We're
41 trying to legislate through the community plan process. It's a great idea, wrong place, in my
42 opinion, right. You don't put this in a community plan. So that's what I'm saying is that if it's
43 promote, let's leave it. If it's required, I can't vote in favor because now what we're doing is we're
44 using the community plan to supersede an ordinance and what's actually law. I mean, that's again
45 --

1
2 Ms. La Costa: Point well taken.

3
4 Mr. Carnicelli: -- we've taken all over this plan. So, so you want to leave it promote and we just
5 add the photo voltaic?

6
7 Ms. La Costa: Yes please. Point taken. Thank you, Chair.

8
9 Mr. Carnicelli: Okay. Okay, no worries. Any objections to leaving it promote and adding the
10 photovoltaic language? Okay, so then we'll go ahead and take that as adopted then. So then,
11 Kellie, do you want to go back to 2.511?

12
13 **Amend Policy 2.5.18 (page 63) to: "Promote the use of sustainable green building and**
14 **development practices, such as the Leadership in Energy and Environmental Design**
15 **standards, and the use of photovoltaic systems in new construction shall be required."**
16 **Unanimously adopted.**

17
18 Ms. Pali: No, no, I just I thought we were there, but no, that's fine. I think --

19
20 Mr. Carnicelli: No, we can go back if you want to make a change.

21
22 Ms. Pali: No, I didn't. That was hers, so I'll let her lead on what changes she wanted to make.

23
24 Mr. Carnicelli: No, she, she -- she looked at what we wrote, the new, the new language that we
25 wrote and she was going to leave it. So if you want to tweak again the language that wrote already.

26
27 Ms. Pali: No, no. I just was -- I found the this really great memo from December 8th.

28
29 Mr. Carnicelli: Right. Right. Right.

30
31 Ms. Pali: And so I just I needed to get -- I needed to get up to speed on what the, what the changes
32 were. So I just need a few seconds to review it.

33
34 Mr. Carnicelli: Okay. Okay, in the meantime, does anybody else have any changes to section two
35 that they would like to address? Christian?

36
37 Mr. Tackett: Yeah, in section two, the, the 2.4.3, when, when they changed, when they changed
38 the number to one for one, I don't believe we're going to get any housing units out of it. And, and
39 this is going to go hand in hand with the, with the 201Hs and those things that that are coming
40 up. Everybody says that, that they're no good, they're no good, but that people in Kahoma streams
41 are living in those houses. You know, there's people living in those houses. Those houses have
42 been deemed -- those affordable houses have been built over the last three or four years and it's
43 really the only affordable houses that are being built. And I had the good fortune of running the
44 Hawaii Carpenter's apprenticeship and training, and they help on these, these houses, for free,
45 you know. And so I think it's real important that we change it. And I liked the verbiage that, that

1 that guy introduced the -- I believe his name was Kekoa, I believe. So it was to amend the Policy
2 2.4.3, additional transit accommodation units on the West Maui Community Plan area shall
3 comply with the County's affordable housing requirements and develop transit accommodation
4 units that shall prioritize fulfillment of affordable housing obligations within or promote the
5 privatization of the fulfillment of affordable housing obligations within the boundaries of the West
6 Maui Plan. I think, I think that if you -- if we could do something to save that process, you're going
7 to get more locals in houses. That the number that they shot out, if they got 15,000 dollars --
8 15,000 trade workers in one trade alliance, they got 30,000 in another. When I ran the Carpenters
9 apprenticeship and training, I had 300 kids. Of the 300 kids, 280 of them were Maui High School
10 students. This is this -- is where the local kids are going. This where they're working. So I would,
11 I would really like to see the -- that verbiage changed so that some affordable can still be made,
12 and that, and that some of these projects still have an opportunity to go through. In the end, we're
13 going to be able to shoot them down anyway. Not necessarily me, because I'll be out of here soon
14 enough. But in the end, it's my opinion, you should look at everything and then decide what fits.
15 And if you, if you put the verbiage the way that it is, you're not going to look at everything. You're
16 just going to see certain things, you know? And I think, I think certain things don't come very often,
17 especially when it comes to affordable housing. You want to look at everything and kill the ones
18 that you don't want and save the ones that you do want. So I think that we should change the, the
19 2.4.3 to the verbiage that was stated.

20
21 Mr. Carnicelli: Okay, does everybody have that language? I think was Mr. Kenny possibly
22 submitted it? Do you guys have that verbiage that Christian --? Is there any objections to adopting
23 that for 2.4.3? Oh wait, Commissioner Pali?

24
25 Ms. Pali: Commissioner Tackett, are you using the PRP testimony on page 1 where they fill out
26 the amendment of 2.4.3? I think that was --. I wrote all the testimony people down. I think that
27 was -- is that Kekoa McCellan.

28
29 Mr. Carnicelli: Mr. McClellan. Yeah, it was Kekoa McClellan as well, yeah.

30
31 Mr. Tackett: I believe there was three, three different people that testified in favor of it. So there
32 were, there were -- it came from multiple directions.

33
34 Ms. Pali: Yeah, there were several. Okay. But, what amendment language are you adopting, are
35 you adopting?

36
37 Mr. Carncielli: I think it's off of that page one.

38
39 Mr. Tackett: Right. That exact language.

40
41 Ms. La Costa: Excuse me, Chair? It's also on the Hawaii Construction Alliance testimony.

42
43 Mr. Carnicelli: Okay, there we go.

44

1 Mr. Tackett: Correct. That was either 15,000 or 30,000 members. I don't know. I don't remember
2 who they are, but those, those are local kids, yeah. You know, that's, that where they go. Out of
3 high school, that's where they go. They either go hotels or they go to trades. So I would like to
4 protect them if I could.

5
6 Mr. Carnicelli: Okay. Any objections to the change? Seeing none, we'll go ahead and take it as
7 adopted by consensus. Jen, you have that language, correct?

8
9 **Amend Policy 2.4.3 (page 56) to: "Additional transient accommodation units in the West
10 Maui Community Plan area shall comply with the County's affordable housing
11 requirements, and developers of transient accommodation units shall prioritize fulfillment
12 of affordable housing obligations within the boundaries of the West Maui Community
13 Plan." Unanimously adopted.**

14
15 Ms. Maydan: Yes, Chair, we do.

16
17 Mr. Carnicelli: Awesome. Thank you. Any other things that you guys would like to address in
18 section two? Kellie, did you want to go back to 2.5.11? Did you have a chance to reread that?

19
20 Ms. Pali: Yeah. I think based off of the change we made last time, Chair, I feel comfortable. It
21 looks like we added "when possible," so I think I'm fine with that. I would like to go to 2.5.16 please.

22
23 Mr. Carnicelli: Okay. All right. Go ahead.

24
25 Ms. Pali: I don't know what the balance is here, but I am compelled to agree with many testifiers
26 that if the true intention of 2.5.16 was to create more affordable housing and the lack of it was
27 because we have too many vacation renters, I'm compelled just because I handle financing and
28 I, I see the type of people buying. I'm compelled to say that that policy will not actually result in
29 affordable housing. I fear that we would have more of a ghost town. And like we see -- I don't
30 know if there's a true definition, but I've sort of, in my head, started to recognize what I like to call
31 industrial waste. And that's when there is these great new buildings, whether it's commercial,
32 malls, apartments. And then after a couple of decades and the new fancy stuff gets built, those
33 buildings get left unattended and they start to degrade. And it's sore on my eyes, as I passed the
34 old abandoned buildings. Now I know with private ownerships and with associations that won't
35 happen. But as someone said earlier, with ghost towns, I just -- I don't think that we're going to
36 get the results we want with that policy. So I would be open to rewording that or revisiting that or
37 just deleting it altogether.

38
39 Mr. Carnicelli: Which one would you like?

40
41 Ms. Pali: I almost think we should keep it in, and then maybe at the very end, instead of the words,
42 by phasing out and converting, we should just reassess. I think we should reassess. I don't know
43 how we can say it, but by reassessing --. No, I'm open for suggestions, but I don't know that
44 phasing out and converting existing vacation rentals is the answer.

45

1 Mr. Carnicelli: Got it. I do remember. We talked about this one -- and maybe Jen and Pam can
2 chime in. I mean, I think we talked about this one for, you know, might have been two hours and
3 then, you know, and I think the vote was five-four or something like that. I mean, it was one of
4 those deals where --. And see here's the other part, too, that I guess is that I'm not giving you an
5 answer to what you want to change it to Kellie, but the part that I look at with this plan is I know a
6 lot of people want to say, hey, leave it exactly what the community wanted. If that was the case,
7 then we wouldn't have had a CPAC because the CPAC changed what the community input was,
8 right? And then we're now adopting different things from them. And all along the way, there was
9 things like this we're not consensus even at CPAC, right? So, you know, there's going to be flaws
10 to this. And yeah, we can say, okay, we can tweak this, tweak that, whatever it is, and we can sit
11 here till midnight wordsmithing this entire thing, and that's our prerogative. We can do that. So
12 that's what I'm trying to say, like, if we can just focus in and say, if you're looking at this, you're
13 going like, yeah, you know what, here's the tweak I would like. And then we can then, the rest of
14 us can say, do we like this, do we not like this? We're going to adopt it? No? Yes? And then just
15 kind of go. So anyways, Kawika, you look like you were leaning in and you want to say something.
16 No? Okay, sorry. Commissioner La Costa, and then I'll go to the Director.

17
18 Ms. La Costa: Thank you. In my notes from when we kicked this around for two hours, it says
19 increase inventory of long-term housing units, whether owner occupied or long term rental,
20 whether single-family or multifamily period. They took out the word "and," and then struck
21 everything from bi-phasing out.

22
23 Mr. Carnicelli: How interesting. I have a period here as well. I don't know if we adopted that though.
24 Director?

25
26 Ms. McLean: Chair, it doesn't seem that the Commission adopted any changes to this language
27 so far.

28
29 Mr. Carnicelli: Right.

30
31 Ms. McLean: But I just wanted to suggest language in line with what Commissioner Pali was
32 saying.

33
34 Mr. Carnicelli: Okay.

35
36 Ms. McLean: It would be to just put in the front of that one item, "determine if there would be an."
37 So "determine if there would be an" increase in the inventory of long-term housing units by phasing
38 out short-term rentals. So rather than saying to do it. From what I heard Commissioner Pali say -
39 - rather than doing it, determine if that would result in what is suggested. So just offering that
40 language in response to what Commissioner Pali was saying.

41
42 Ms. Pali: Yeah, I think I like that. But I do think I like the period and I'll tell you why. Because it just
43 -- it clearly depicts that the community, this is an issue for them. And we need to find always more
44 than one way to accomplish something so we don't have to hone in on one, one idea and leave
45 the other 20 behind. So I think I would like to just put forth "the increase the inventory of long-term

1 rental houses, whether owner occupied or long term rental, and whether single-family or
2 multifamily,” period. And that would allow the future people . . .(inaudible) . . . our hands are -- the
3 people that hold the key to the future of this can just really tease it out and offer many solutions
4 for that.

5
6 Mr. Carnicelli: So Kellie, you’re adding -- you want to add the Directors language and then put a
7 period after multiple . . . (inaudible) . . . ?

8
9 Ms. Pali: No, I think I would just keep 2.5.16 the way it’s written.

10
11 Mr. Carnicelli: Oh, I see. Just --

12
13 Ms. Pali: Just put a period after . . . (inaudible) . . .

14
15 Mr. Carnicelli: Just as it’s written, and just put a period after multi-family? Okay. So that’s what
16 Kellie’s got on the floor then is, is to add a period after multi-family and delete the rest of the
17 sentence. Is there any objections to that change? Okay, seeing none, we’ll take that as adopted.

18
19 **Amend Policy 2.5.16 (page 63) to: “Increase the inventory of long-term housing units,**
20 **whether owner-occupied or long-term rental, and whether single-family or multi-family.”**
21 **[Add a period after multi-family, and delete the remaining language in the sentence.]**
22 **Unanimously adopted.**

23
24 Mr. Carnicelli: Okay. Is there any other changes that you guys would like to make to section two?
25 I’m trying to get back to -- I made notes on the written testimony that we got. There were some
26 people put some other things. I’m not missing something. Okay, then I guess let’s go to section
27 three, Growth Framework. Any changes you guys would like to make? And if you remember, all
28 of the community plan designations were moved to an appendix. Any changes you guys want to
29 make? Commissioner Pali. Go ahead Commissioner.

30
31 Ms. Pali: I thought my mic was on. This is that subarea --. I’m sorry, is this section three?

32
33 Mr. Carnicelli: Section three.

34
35 Ms. Pali: Okay. Let me get there. So this is section three, areas of change.

36
37 Mr. Carnicelli: It’s the whole section. I mean, we’ve got growth plans, community plan
38 designations. We get the maps.

39
40 Ms. Pali: Okay.

41
42 Mr. Carnicelli: We’ve got areas change, areas stabilities. We’ve got, you know, it’s the whole.
43 Section three, section three is a big, a big one.

44

1 Ms. Pali: It is. It is. Okay. I wrote down a list of today's testimony -- testifiers, along with the many
2 written testimony that came in over the last couple of weeks. And I just wanted to really pinpoint
3 the hotter topics. And the only other two that were left on these people who were very passionate
4 was 5.08 and 3.7.2. Three point seven point two. I just --

5
6 Mr. Carnicelli: Wait, five point --. Yeah, go ahead. Go ahead.

7
8 Ms. Pali: So 3.7.2 would section three, Chair?

9
10 Mr. Carnicelli: Yeah.

11
12 Ms. Pali: Okay.

13
14 Mr. Carnicelli: Three, seven, two.

15
16 Ms. Pali: Okay.

17
18 Mr. Carnicelli: If we all want to go there.

19
20 Ms. Pali: Yeah. Can we go there for a minute? And I'm just trying to --. Let me -- give me a second
21 to see what was said the last time. No changes were made. Okay. Gentlemen -- gentlemen estate
22 projects and projects following the State 201H or County process 2.97 shall not be approved in
23 this area of stability. I guess my, my personal opinion and just my desire of just seeing many
24 solutions for affordable housing, I did enjoy some of the testifiers that I heard that said that this
25 still had to be vetted. If this was not single handedly selected as kapu, let's just say, that if a
26 developer wanted to take -- go through one of these processes, it still had to go through the
27 Commission and the Council, and be vetted in front of the public. And so at that time, if the issues
28 were still present that made them not a good project, that through the vetting process, we could
29 shut the project down one at a time. We don't have to put this blanket right now completely, no,
30 forever and ever, or 10 years, or 20 years. I know that it was 10 years, but we don't know what's
31 going to happen in the future, or that we need to circle . . . (inaudible) . . . Anyway, so --

32
33 Mr. Carnicelli: If you could please mute yourself that would be great.

34
35 Ms. Pali: Spanking your kids. So I think, I, I would like some kind of language that maybe we don't
36 recommend the State 201H or County 2.97 process so that we don't remove the, the idea that it's
37 not desired. But to say that they're just completely not allowed on day one, I don't, I don't like that.
38 I don't -- we don't know what we don't know. And we don't know the future. And we don't know if
39 there's going to be something that breaks out in the area that causes us not to develop. We don't
40 know that just because we have 7,000 projected projects that would fulfill the need of West Maui,
41 that one or two projects may get stopped or developer funds might run out or something might
42 change now we don't meet the need. And so to shut down other options I think would be
43 dangerous. And so I don't want to mess with the integrity of the what was meant here. So I don't
44 want to completely delete it. But I think maybe adding language that recommend or we desire that

1 it doesn't happen or it's a -- you know something to where it's not a definitive, just something a
2 little bit more open. That would be my recommendation.

3
4 Mr. Carnicelli: Okay. I am not going to participate in this discussion. I mean, I'll, I guess I'll sit here
5 and see who raises their hand and wants to chime in, but I'm not going to participate in this
6 discussion. Commissioner Tackett.

7
8 Mr. Tackett: What if you guys -- it says gentlemen estate projects and projects following the State
9 201H or County 2.97 process shall not be approved within this area of stability. What if, what if
10 you just took out the "and projects" part? So, the gentleman estates projects, I think, I think it's
11 pretty clear nobody wants any gentlemen's estates. I think it's -- I think what Kellie is trying to say
12 is an opportunity to look at affordable housing. So I mean, if maybe if you put gentlemen estate
13 projects following the State 201H or 2.97 process shall not be approved. But I don't think that all
14 projects following that 201H or 2.97 is a -- I don't believe it leaves you any options whatsoever.
15 You know, I think it does what Kellie says it just -- it just kapu everything. So I don't I don't know
16 if that's something you guys would entertain.

17
18 Mr. Carnicelli: Go ahead, Commissioner Pali.

19
20 Ms. Pali: What about this language -- gentlemen estate projects and projects following the State
21 201H or County 2.97 process are discouraged within the area of sustainability, area stability.
22 Sorry. I want to put sustain and stability together. That they're just discouraged. So it's not a hard
23 line. What do you think about that Commission Tackett? Or did you want to just delete the --. I
24 think what -- I think I want to hear the testifiers that said the reason why they want to say they
25 don't want State 201H or County 2.97 is they -- because it's sometimes, in all policies that are
26 created, there are the abusers. There are the abusers that will take a good policy meant for good
27 people, and then they'll abuse it. Not saying someone is or isn't abusing them specifically, but in
28 general. So I think the goal, I believe the intent of this, was to make sure certain developers don't
29 use it as a way to slide their projects in under the cover of affordable housing. And so I don't want
30 to mess with that integrity, but I also think a hard line is very dangerous for us. So what do you
31 think about just discouraged?

32
33 Mr. Tackett: I would be -- I would be okay with that. All I want to see is that you guys have the
34 opportunity to look at it. Because like I said, you guys are going to be here for five more years.
35 I'm going to be gone in one year. So it's just you guys will just look at it and then say, yes, say no.
36 So that's what I just want to see is you guys have an opportunity to, to look at them and decide.
37 So I'm good with it.

38
39 Mr. Carnicelli: Commissioner Edlao and then Commissioner La Costa.

40
41 Mr. Edlao: You know, saying discourage is kind of keeping the door half closed, in my mind.
42 Maybe we should just say, maybe considered, you know. This way, you're not saying yes, you're
43 not saying no. And we still have the opportunity, you know, for the developer to if he wanted to
44 pursue this to jump all the hoops. You know, rather than, you know, like, shut it down completely
45 or keeping the door half closed.

1
2 Mr. Carnicelli: P.D.?

3
4 Ms. La Costa: Thank you Chair. So I have a question probably for the Director, being that
5 Mr. Hopper isn't on the, on the call. Is, is 3.7.2 in conflict with 2.5.11? Because 2.5.11 talks about
6 having affordable, the 201H and the 2.97 close to schools, transit services, when possible. So I
7 just don't want to have a conflict within this because as we know, the 3.7.2 talks about everything
8 south of Puamana. So I just, just -- that caught my attention, and just maybe that's something we
9 should make sure that there is no conflict in those two sections. Thank you, Chair. That's it.

10
11 Ms. McLean: That's a great question, Commissioner La Costa. 2.5.11 talks about the fast track
12 projects having to be near job schools, transit and service, and 3.7.2 relates to the areas of
13 stability that don't have those things. So I don't think that the two would be in conflict.

14
15 Ms. La Costa: Thank you, old wise one.

16
17 Mr. Carnicelli: Anybody else got anything that they'd like to offer? Commissioner Freitas?

18
19 Mr. Freitas: If I remember -- thank you, Chair -- if I remember this one was a real close vote the
20 last time. And I think we went back and forth because we had a very long evening of testimony,
21 and then we came back two weeks later, discussed it. And I remember bringing up the fact that
22 there were way more testifiers on leaving it as is. And I wanted to remind the Commissioners in
23 that last meeting that we did take the vote of those that passionately spoke out including the ladies
24 that jumped in the ditch and tried to stop the machine. You know, I feel this is another opportunity
25 to continue to try to get this passed. So to get this thing removed by going through this again and
26 again until it finally passes. I am going to vote and remind everybody that it was overwhelmingly
27 for leaving it for reasons including having experts in the ocean, oceanography come and testify.
28 And so I'm not going to change my mind on what I voted the last time, which was to leave it as is.
29 Thank you.

30
31 Mr. Carnicelli: Thanks. Anybody else want to weigh in? Commissioner La Costa, and then
32 Commissioner Pali.

33
34 Ms. La Costa: Thank you, Chair. And I know that the other thing that we discussed on this end -
35 - and thank you, Commissioner Freitas -- because I had those notes as well. The other thing that
36 we talked about ad nauseum was about the water and the resources that were there, and that's
37 why it was left, as is. And I, again, was at many, many, many of the meetings. And there were
38 four or five people who were against it, and the majority were for this. And that's how I got put in
39 here. So I concur with Commissioner Freitas. Thank you.

40
41 Mr. Carnicelli: Commissioner Pali?

42
43 Ms. Pali: Yeah, I think that I have the same set of sentiments that I, I respected and heard the
44 different testifiers. I just feel like with the current testimony and looking at it, as we say, in a broader
45 sense, we're not saying that we want projects there. We're not saying that they're not going to

1 care for the marine life and they're going to upset the land. What I'm saying is that if and when we
2 ever needed to build here, that there would be a vetting process which would take place and they
3 have to come to Commission, and they have to go the public again, and they have to go to Council
4 to even attempt to get it built. And all I'm saying is we don't know what the future holds. We don't
5 know how the shapes of our island and the communities will start to form or what might happen.
6 And I'm not comfortable with closing the door completely. So that's, that's what I'm saying, and I
7 think I'm going -- on that same note, I appreciate Edlao's comment, Commissioner Edlao's
8 comments. But I think I feel very comfortable with maintaining a process is discouraged. I don't
9 want to change the integrity of the intent. And so that would be my recommendation.

10
11 Mr. Carnicelli: Okay, so let's do this is, is, let's -- the motion on the floor, as I understand it, Kellie,
12 is policy 3.7.2 would be changed to say, gentlemen's estate projects and projects following the
13 State 201H process or County 2.97 process shall be discouraged. So that is your change. Is there
14 a second? Because we don't have consensus, so --. Okay, moved by Commissioner Pali,
15 seconded Commissioner Thompson. I think we've had discussion enough unless somebody else
16 has something else that they want to add. All those in favor of the motion, please raise your hand.
17 So I've got one, two, three, four, five. Opposed? One, two. So let -- the motion passes with five
18 votes to two. Let the record show that Commissioner Freitas and Commissioner La Costa
19 dissented.

20
21 **It was moved by Commissioner Kellie Pali, seconded by Commissioner Dale Thompson,**
22 **then**

23
24 **VOTED: To amend Policy 3.7.2 to: "Gentleman's estate projects and projects**
25 **following the State 201H process or County 2.97 process shall be**
26 **discouraged within this Area of Stability."**

27 *(Assenting: S. Castro, J. Edlao, K. Pali, C. Tackett, D. Thompson)*

28 *(Dissenting: K. Freitas, P. La Costa)*

29 *(Excused: M. Hipolito)*

30
31 Mr. Carnicelli: So we have that. So anything else in section three you guys would like to address?
32 I would like to address the maps, guys, specifically the two batch plants. If they're currently used
33 the way they are, they're permitted to continue to be used as they are. And we've all agreed that,
34 okay, this is a ten-year plan. You know, we can say -- we can kind of give what our intent is. And
35 I think that that Jen, and Pam, and Michelle can work out the TMK, you know, like where -- the
36 areas of it. But it's roughly one acre each. That the one I believe is an open space, and then the
37 other one is in open space and ag possibly. Director is turning her camera on. Go ahead, Michele.

38
39 Ms. McLean: Thanks, Chair. I'm pretty sure that the permits that these operations have are related
40 to their State designations being agriculture. So they need State . . . (inaudible) . . .

41
42 Mr. Carnicelli: Okay.

43
44 Ms. McLean: . . . (inaudible) . . . Permits to operate in the State ag district. They probably also
45 have some type of County permit, either a Special Use Permit or a Conditional Permit based on

1 their zoning. I do not believe that the community plan designation would change in any way their
2 ability to continue to operate. But we can follow up on that and make sure that that's made clear
3 when the plan is transmitted to the Council. So perhaps your discussion today could -- could
4 simply be that no changes should take place with a community plan designation that would affect
5 their ability to continue operating because I think that's what it is. But, I can't say that with complete
6 certainty until I look into it and confirm.

7
8 Mr. Carnicelli: Well, I mean, if it's going to continue to operate that way anyways, then let's just
9 call a duck a duck. I mean, let's just say, okay, this little one-acre box, or rectangle, or triangle, or
10 whatever it is just, let's just go ahead and zone it for what it is. I mean, or let's at least call it ag if
11 they're going to special use it. You know, I mean, I'm just -- I have to say let's call it industrial, but
12 I don't want it to change to say, okay, go from a batch plant to something else. But, you know, I
13 mean, we're here and we're doing this, and we know it's a duck, let's call it a duck. Jen, what
14 designation would be best for a batch plant?

15
16 Ms. Maydan: Chair, let me first --

17
18 Mr. Carnicelli: Or do you have other things that you would like to add?

19
20 Ms. Maydan: I just wanted to address that we got the TMKs, and we looked them up. And it
21 appears that --. Well, we don't know the exact locations because several of the TMKs are very
22 large parcels. But it appears that one of them is currently Community Planned Ag, and in the
23 CPAC draft, it remains as Ag. The other one is currently Community Plan Project District, and in
24 the CPAC draft, it is Park Open Space.

25
26 Mr. Carnicelli: Okay, well --

27
28 Ms. Maydan: So one of them --

29
30 Mr. Carnicelli: -- we know it's not going to be park and open space. Yeah, I mean, it's a -- you
31 know, it's a batch plant that's got a permit to supersede the lifetime of the plan. So I mean, even
32 if we just said, let's move to Ag, we won't move to Industrial, let's just move to Ag just so it's
33 consistent with the other one. I mean, it doesn't make sense to leave a batch plant in open space.
34 What do you think Jen?

35
36 Ms. Maydan: That is up to your Commission.

37
38 Mr. Carnicelli: Okay.

39
40 Ms. McLean: Chair, I would just comment -- I would just comment that these in some cases have
41 been operating for quite a while with temporary permits, which has been their entitlement choice.
42 They chose to apply for temporary permits rather than permanent entitlements. If you were to
43 change the community plan designation, and --. I think it would be more important to look at these
44 areas and decide, regardless of the use it's being conducted there now, that that kind of
45 designation is an appropriate permitted designation for that parcel. Because these are temporary

1 permits, the use could stop at some point, and what uses would you think would be appropriate
2 to occur there if this current use stops?
3

4 Mr. Carnicelli: Okay. Right. Okay, and that makes sense then. I mean, that's maybe what I was
5 looking for is the reason why would we not do it. And that makes sense. Then that would be why
6 we would not do it if they closed down the batch plant then we don't want it to be something else.
7 So I mean, that makes sense. I mean, I'm not married to this. I was just trying to -- to me it felt like
8 a housekeeping type thing. But in the back of my mind, I'm also thinking about affordable housing,
9 right, because I don't want to lose, you know, a batch plant, where suddenly, I mean, Pulelehua
10 is right there, right? And hopefully Mr. Chang is going to start building some affordable housing
11 right there. And if we can't bring concrete from the other side of the island because, you know, it
12 heats up too much by the time it gets here, then we've kind of shot ourselves in the foot. So that
13 was it. It was just kind of a thought of trying to --. There was a reason why Mr. Gomes got here
14 and testified on it. And then Mr. Fukunaga testified on it. At least in my mind, I'm going like, okay,
15 are we going to lose them because we got housing? So that was all. But if, if you, as the
16 Department feel like it's fine, then it's another one of these rabbit holes that I'm went down all by
17 myself and I'll dig myself back out of.
18

19 Ms. McLean: Yeah, we can -- we can be sure that Council is aware of it. It's so late in the process
20 to consider such a significant change in the land use designation that I'd be concerned --
21

22 Mr. Carnicelli: Okay.
23

24 Ms. McLean: -- that moving forward. But we can be sure that the issue is raised with the Council
25 since they're looking for with more time.
26

27 Mr. Carnicelli: Okay. Fair enough. Commissioners, area three, anything else that you guys would
28 like to address in section three? Alright then let's move on to section four.
29

30 Ms. Maydan: Chair?
31

32 Mr. Carnicelli: Yes. Oh, sorry.
33

34 Ms. Maydan: Before you move out of section three, in your December 8th memo.
35

36 Mr. Carnicelli: Right.
37

38 Ms. Maydan: On the first page, the Department's requesting a confirmation of a policy that we
39 drafted at your request pertaining to the Plantation Estates Subdivision.
40

41 Mr. Carnicelli: Okay.
42

43 Ms. Maydan: We just want to confirm that the wording that's on the memo meets the intent that
44 you discussed at the meeting.
45

1 Mr. Carnicelli: Okay. For the Plantation Estates subdivision. If a comprehensive change in zoning
2 is sought, the zoning must be no denser than RU-2, and there can be no further subdivision. If an
3 individual change in zoning is sought, it must be to the lowest density rural district appropriate for
4 the subject lot, and there can be no future subdivision.

5
6 Ms. Maydan: So Chair, this covers two scenarios where the entire subdivision could come in for
7 a change in zoning to a rural district, and it's saying that it should be rural two. But if individual lot
8 owners come in for change in zoning for their individual parcels, that the rural zoning designation
9 should most closely match the current size of their parcel. So perhaps there are some rural parcels
10 that are large, like five or ten acres, and it would be inappropriate to make that rural two. But the
11 intent of your discussion was to not encourage any further subdivision.

12
13 Mr. Carnicelli: Right. Now, this is -- this is very --. And it also says no subdivision either way. So
14 I think the intent is there no more density and no more subdivision no matter either way you go. I
15 think it's -- you guys did a very good job drafting that language. Any objections to that language?
16 Okay seeing none, we're going to go ahead and adopt that. Thank you, Jen.

17
18 **Adopted the language drafted by Department pertaining to the Plantation Estates**
19 **Subdivision – Unanimously adopted.**

20
21 Ms. Maydan: Thank you.

22
23 Mr. Carnicelli: Anything else before we move on to four? Okay, so let's move on to four. Changes
24 ... addressing? You know, I'm going -- let me -- I'll go ahead and start. Is let's go to page -- 5.08.
25 Five point, oh, eight. That's the one we had a lot of testimony on. But I actually -- I highlighted this
26 ahead of time because this is the one that Ms. Comcowich added language last meeting that we
27 didn't talk about and that we're looking at now. And so --

28
29 Ms. La Costa: Isn't that --? I'm sorry Chair, isn't that under implementation, which is after four?

30
31 Mr. Carnicelli: No. This is -- we're now in the actions, yeah. In the actions. It's section four, page
32 152. Now this is just proposing legislation. So is every -- if everybody's there, it's 5.08. It reads
33 proposed legislation to amortize the short term occupancy list and phase out short-term rental
34 use to make more housing units available for long term occupancy. This is basically saying
35 proposed legislation, right. So this is kind of like what we're having the conversation about the
36 201H people. Like, okay, you got the opportunity to do it, it doesn't mean it's going to pass. But
37 she adds the language allowing those that operate -- or at least, I guess, my version kind of
38 paraphrasing her -- but allowing those that operate primarily as hotels or inns to continue that
39 practice. So it's kind of targeting. I mean, this is kind of --. And Director? I see she turned on
40 again so we'll go to you.

41
42 Ms. McLean: Chair, I just want to note in the memo that was included in your packets that outlines
43 your changes.

44
45 Mr. Carnicelli: Right.

1
2 Ms. McLean: You can adopt an amendment to this language that refines it to properties with a
3 low percentage of short-term rental use.
4
5 Mr. Carnicelli: Oh, okay.
6
7 Ms. McLean: So that's --
8
9 Mr. Carnicelli: . . . (inaudible) . . . my notes.
10
11 Ms. McLean: That's what you've adopted so far, but you can change it however you wish.
12
13 Mr. Carnicelli: Go it. Okay. So, okay, we kind of addressed that in that particular manner then so
14 --. Had in properties with low percent short term rental use. Okay. Any, anybody else have
15 anything that they would like to add in any of these action plans? Commissioner La Costa?
16
17 Ms. La Costa: Thank you, Chair. I'd like to address 5.08 as many people testified today, and I am
18 in concurrence with them. I think that any time you take away people's property rights and what
19 has been done for years, and years, and years, I don't know if the County can afford to defend
20 itself for 12,000 property units, which is how many rentals there are on the island. There are about
21 8,000 in West Maui. And if you start taking away those property rights from the people who have
22 Airbnb, short-term rental, Mahina Surf, you know, Honoakawai, it's not going to substitute with
23 housing. They can't afford to, to rent those, and I just think that this is asking for tons of lawsuits
24 just, just, sitting on the press, waiting to happen. And I don't think that it behooves anybody to do
25 that. So I think that that -- I think 5.08 should be taken out of the action plan.
26
27 Mr. Carnicelli: Okay. Is that your proposal to remove 5.08?
28
29 Ms. La Costa: Correct.
30
31 Mr. Carnicelli: Okay. Is there any objections to removing it outright? Commissioner Pali?
32
33 Ms. Pali: Sorry, Chair. I just -- I want to just make sure I'm on the same page here, 152, 5.08, and
34 then I'm just trying to figure out the change that were made -- these properties with low
35 percentage. I don't know how that reads, but sorry . . . (inaudible) . . .
36
37 Mr. Carnicelli: She's just saying -- she's just saying delete the whole thing.
38
39 Ms. La Costa: Kellie, how it reads is -- to --. Hang on a second, my glasses. To add in properties
40 with low percentage of short-term rental use, between use and to make. So short-term rental use
41 with low percentages to make housing units available for long term. I think the whole -- the whole
42 sentence needs to be stricken, I think, just to avoid a lot of lawsuits.
43
44 Mr. Carnicelli: But again, it's just proposing legislation. It's not actually -- it's not actually legislating.
45 It's saying to propose the legislation, which is fine. I mean, but is there objections?

1
2 Ms. La Costa: And --
3
4 Mr. Carnicelli: No, I hear you --. It's just like that -- so what you've proposed is to just remove 5.08
5 altogether.
6
7 Ms. La Costa: Correct.
8
9 Mr. Carnicelli: Any objections to that? Okay, so Kellie's going to object. So we'll go ahead. So
10 let's get a second. We've got a motion to delete it altogether. Let's get a second. Seconded by
11 Commissioner Thompson. We have a motion on the floor, and then, Kellie, I'll let you go and
12 speak to the motion.
13
14 Ms. Pali: I am so sorry. I know it just seems kind of backwards. I'm just trying to do the balance
15 act. I feel like -- and just don't get me wrong -- but I feel like this is kind of similar to that two point
16 --.
17
18 Mr. Carnicelli: . . . (inaudible) . . . point one, one. It's the same -- it's the same thing as page 63,
19 2.5.16.
20
21 Ms. Pali: Okay. Yeah. So, okay. So we kept the language because we want to create policy
22 where we're looking at inventory to increase for long term housing. So I don't want to mess with
23 that intent, the legislation has to follow through. So could we just reword it to where it's matching
24 that policy and we're still have -- we have an action plan off of the 2.5.16. I don't know.
25
26 Mr. Carnicelli: Here's, here's, here's -- I'll throw in my two cents. Guys, I've been to more meetings.
27 There was the all Alakahi meetings before there was the public outreach meetings. Then there
28 was the public outreach meetings. Then the CPAC, and then there was the Maui Planning
29 Commission meetings. I went to all the Alakahi meetings. I went to but two of the community
30 outreach meetings. I went to all but two of the CPAC meetings. And I was at every single Planning
31 Commission meeting except for the one that I recused myself, and I watched it. Other than
32 Jennifer Maydan, no one has been to more of these meetings than me. No one.
33
34 Ms. Eaton: Ah, ah, ah. This is Pam. I've got the scars to prove it.
35
36 Mr. Carnicelli: Oh, that's right. Pam and Jen. Yes, sorry. Sorry, Pam. Pam and Jen have been to
37 more meetings than me. Other than that, nobody has. This is one of those things that I think we
38 have to leave some version of this in there. And I get there's like, okay, the legal reasons of it not
39 and everything like that. But we essentially took it out of 2.5.16 because we put a period after
40 multi-family and we said phasing out of converting existing eviction. So the fact that this would
41 be, say okay, proposed legislation, it's now putting a process on it. Because this is something that
42 they talked about, I believe, it was like almost at every single meeting. It is something that the
43 community did talk about. You know, is -- does it mean that everything the community talked
44 about is in here? No. Does this accurately reflect everything that the community wanted and it's
45 about? No. But I think this is one of those things that just for me, and I get where you're going

1 with this P.D, and I understand that the litigation of it and everything like that. But when we're
2 talking about just proposing legislation, right. Because then we can have a conversation about it,
3 right. We say it's a good thing, a bad thing. You know, if you just try to try to legislate through the
4 community plan process, that's not doing this. This is saying no, go legislate. And so for me, even
5 especially with the, with the changes that we made, you know, I'll go ahead and, and say that we
6 should leave this one in. So that's just my two cents. Anybody else would like to speak to the
7 motion?

8
9 Ms. La Costa: I think the word proposed --. Chair, I think the word proposed is dangerous. If
10 maybe if you could consider legislation. I, I'm, I'm against it altogether. But when you when you
11 say this is something that the Council is going to look at and, and act upon. So if you leave that
12 in there, proposed legislation to amortize, then you're telling them that's what they should be
13 doing.

14
15 Mr. Carnicelli: Fair enough. So you want to put --. Do you want change. So instead of saying
16 delete the whole thing, say consider, consider proposed?

17
18 Ms. La Costa: Why don't you pull on Kellie, and then I'll, I'll think about the words on that.

19
20 Mr. Carnicelli: Okay, go ahead Kellie.

21
22 Ms. La Costa: Thank you.

23
24 Ms. Pali: Pulling on Kellie. What about proposed legislation to revisit short-term occupancy and
25 make more affordable housing units available for long term occupancy? I don't like the word
26 phasing out too because that's an infringement on property rights. But -- and the reality is we
27 would have limitations there. But I don't want to miss the purpose. The purpose is to let's look at
28 our vacation rental inventory, and let's look at what we can do and how we can do it. And then
29 the ultimate goal is long term units, apartments, homes.

30
31 Ms. La Costa: Can you restate that, please, Kellie, so I can change it in here and see how it fits?
32 Thanks.

33
34 Mr. Carnicelli: Hang on. Hang on. Hang on. Let's let, let's let Michele go and then we'll jump back
35 into it.

36
37 Ms. La Costa: Sorry, Director.

38
39 Ms. McLean: Legislation doesn't consider things. Legislation does . . . (inaudible) . . .

40
41 Mr. Carnicelli: Consider proposing legislation. Just say consider proposing then.

42
43 Ms. McLean: Yeah, that -- that wording --.

44

1 Mr. Carnicelli: You're right. No, you're right. I mean, it's still just an action item. I mean, this
2 doesn't put a gun to anybody's head. Just because it's in here, it doesn't mean that it has to
3 happen. It's a community plan.

4
5 Ms. Pali: Yeah, but --

6
7 Mr. Carnicelli: Kellie.

8
9 Ms. Pali: After it's all said and done, Chair, if I may, this is going to -- it could be construed
10 differently as we move forward. So I think it is important that we take time to try to respect the
11 intent, but to make it where it's, you know, not as dangerous, I guess. I don't know.

12
13 Mr. Carnicelli: Okay, so where are we at right now? We still --. Well, I guess we still haven't
14 disposed of the motion. So there still is a motion to just delete outright.

15
16 Ms. Pali: I was hoping that --

17
18 Mr. Carnicelli: Do you still -- you want to vote on that P.D.?

19
20 Ms. Pali: -- we could make a friendly amendment.

21
22 Mr. Carnicelli: Well, you can't --

23
24 Ms. La Costa: As far as --. No, you can't amend a deletion. But and again, as Director said, if you
25 have the word legislation in there, I just -- I don't want anyone having to sue. And I don't want the
26 County to have individual suits or class action suits because they were -- they acted upon this.
27 So -- and I don't want to get sued either. So we definitely need to revisit and maybe look at the
28 short term occupancy. But also the main thing is to make more housing units available that the
29 County needs to make more housing units available, and not by the low hanging fruit of people's
30 property -- infringing on people's property rights. So I'm not, you know, I'm -- propose legislation
31 to make more housing units available for long term occupancy. That would work for me, and take
32 out the short-term stuff altogether. So I have 5.08 as saying propose legislation to make more
33 housing units available for long term occupancy. And let the County figure out how they're going
34 to do that rather than, rather than us trying to legislate that stuff.

35
36 Mr. Carnicelli: So you're changing your motion to deleting --. So I guess, are you withdrawing your
37 motion to delete it?

38
39 Ms. La Costa: Yes, sir. What I'm doing is I will withdraw my motion to delete, and I would like to
40 restate 5.08. I would like to make a motion to restate 5.08.

41
42 Mr. Carnicelli: Okay, hang on a second. Dale, are you okay with the removal of the motion?

43
44 Ms. La Costa: Sorry Dale.

45

1 Mr. Carnicelli: Okay, so then, so then the motion to read as such, go.

2
3 Ms. La Costa: Propose legislation to make more housing units available for long term occupancy.
4 And the County can figure out what kind of legislation they want to do to make that happen.

5
6 Mr. Carnicelli: So, do we got a second? Seconded by Commissioner Thompson. Okay. All in favor
7 please raise your hand. That's one, two, three, four. Opposed? Five. Opposed? Alright, Stephen,
8 you froze up on me. I didn't get Stephen's vote. Stephen, did you vote in favor of that motion?
9 Yes, okay, so that's six. Opposed? Seeing none, and then --. Okay, opposed Commissioner
10 Freitas. Okay. So six, one, the new change to 5.08 goes through, so okay.

11
12 **It was moved by Commissioner P. Denise La Costa, seconded by Commissioner Dale**
13 **Thompson, then**

14
15 **VOTED: To amend the wording for Action No. 5.08 as discussed.**

16 *(Assenting: S. Castro, J. Edlao, P. La Costa, K. Pali, C. Tackett, D. Thompson)*

17 *(Dissenting: K. Freitas)*

18 *(Excused: M. Hipolito)*

19
20 Mr. Carnicelli: Commissioner Tackett?

21
22 Mr. Tackett: Because with this 5.12, identify . . . (inaudible) . . .

23
24 Mr. Carnicelli: P. Denise, mute yourself, you're really loud.

25
26 Ms. La Costa: I'm so sorry.

27
28 Mr. Carnicelli: That's okay.

29
30 Mr. Tackett: It says identify existing barriers in laws, rules and processes that prohibit the
31 construction of safe sanitary, sanitary and affordable on farm employee housing for farm workers.
32 And then it goes on to say, including mobile units for temporary seasonal farm workers with
33 special consideration given to module housing as a solution. And what I got to say to that is you
34 guys remember when they finally put the water back in the stream, when the Wailuku River ran
35 again and they put the water back in the stream? Well, for about three months there, kids went
36 down there, and families went down there, under the bridge and they swam in that pond right
37 under that bridge, like right by Sack and Save. They swam in that pond until such a point as the
38 homeless moved their, their mobile homes, and their cars, and everything out there. And then
39 they started finding, finding needles, and trash, and broken beer bottles, and all that stuff in that
40 stream. And now none of those kids go down there and swim in that water anymore. And I think,
41 I think that the problem with these mobile module units are if you allow them onto these farm
42 properties, in the end, they're going to end up in your old cane fields. They're going to end up in
43 the mac nut fields. They're going to end up on the beaches with the homeless people. They're
44 going to end up in all these places where, where they're not supposed to be. And people are
45 going to be living in them. And they're not going to be using the bathroom hookups like they're

1 supposed to be using the bathroom hookups. And it's going to be not only unsanitary, but it's
2 dangerous for the kids. Like, we don't need people with mobile homes down at the beach. I mean,
3 mobile homes back in the bushes, you know, or where everybody trying to stuff another module
4 unit into the back of their property. I understand what they're saying, what it's here for. But I'm
5 saying if you bring those things here, you're going to find those property, those problems. Because
6 as they get old, they're going to get left back into the general public, and as farms go out of
7 business and then some might even be stolen and put into the bushes. And none of these, none
8 of these modular systems that you're talking about will ever have any labor from anybody on Maui
9 go into it. So all the money to purchase these things will all go out of State and then it'll come in
10 and we'll be left with that nightmare. So I would hope that we could take out the mobile units for
11 temporary and seasonal farmworkers with special considerations given to modular housing. If
12 they want to build something like that, there's lots of people on the island, union, non-union
13 handymen, there's a ton of people who can build this and make a living building this on the farm
14 for those people. But if you bring those or give those, those modular units special consideration
15 and you bring them in, in mass, you're going to have the types of problems that I'm talking about,
16 in my opinion, So I think, I think we should stop it at farm workers at the end of that second line,
17 in my opinion. Thanks, you guys.

18
19 Mr. Carnicelli: Okay so, yeah, so the proposal is to -- you guys get where he's going with it? So
20 the second line, on farm employee housing for farm workers, period. And then delete the other
21 two sentences. Any objections to that change of 5.12 of policy, or action item? Commissioner La
22 Costa.

23
24 Ms. La Costa: I don't have an opposition, but we did get written testimony also to that effect. So I
25 just wanted to bring that up.

26
27 Mr. Carnicelli: Okay, any objections? Seeing no objections, we'll go ahead and adopt via
28 consensus. Thank you, Christian.

29
30 **Amend Action No. 5.12 to: "Identify existing barriers in laws, rules and processes that**
31 **prohibit the construction of safe, sanitary, and affordable on-farm employee housing for**
32 **farmworkers." [Add a period after farmworkers, and delete remaining language.]**
33 **Unanimously adopted.**

34
35 Mr. Carnicelli: Jen, I want to bring you up for an opinion, please. Let's go to page 132, policy 1.23.
36 So if I, if I took out -- and this is from again, from Karen again -- take out plan and build. Delete
37 those and put promote the development of firebreaks and bio swales that can be used for the
38 recreational paths and greenways around existing development and between new developments.
39 She proposes -- she's proposing that change, but then to move it to 2.5 instead of having it as an
40 action item, to have it as a policy item. Does that make sense in your opinion? I guess it would,
41 it would end up becoming 2.5.23. I'm kind of putting you on the spot. I don't know if you've looked
42 at it.

43
44 Ms. Maydan: Yes, Chair, I read all of the testimony and --
45

1 Mr. Carnicelli: I know you do.

2

3 Ms. Maydan: That recommendation would make sense. Changing the wording and moving it to
4 the policy section makes sense. And it could be effective in achieving the goals that, as it's written,
5 action but changing into a policy, it could be effective.

6

7 Mr. Carnicelli: Yeah, I mean, it, it gives it teeth rather than just leaving as an action item. Are you
8 guys --? Do you guys know what I'm talking about? Are you guys okay with that?

9

10 Ms. La Costa: Could you repeat that please where it's being moved? Thank you.

11

12 Mr. Carnicelli: Sure. Okay. So the, the, the beginning of Action item 1.23, it says plan and build.
13 We're deleting plan and build. And we're putting in the word promote the development of, and
14 then we're moving it to page 63. I guess it would be start of 60, which is policies, right? Policies
15 for goal for safe, healthy and livable communities for all. Moving into that section. Safe
16 communities for also move the firebreaks and bio swales, recreational park screenings around
17 existing developments and between new developments. You guys okay with that?

18

19 Ms. La Costa: So that would be 2.5.23?

20

21 Mr. Carnicelli: Probably would become 23. I mean, you know, Jen does what she does.

22

23 Ms. La Costa: Okay. Mahalo.

24

25 Mr. Carnicelli: Any objections? Okay, seeing none, we'll go ahead and take that as adopted by
26 consensus.

27

28 **Amend Action Item 1.23 (page 132) to: "Promote the development of fire breaks and**
29 **bioswales that can be used for the recreational paths and greenways around existing**
30 **development and between new developments." Then move this Action Item to page 63,**
31 **and convert it into a Policy under Policy 2.5. Unanimously adopted.**

32

33 Mr. Carnicelli: Any other changes that you guys see or want, or want to address? Alright. So Jen,
34 and Pam, and Michele, I love how when it gets like after six o'clock, I just stop using Mr. and Mrs.
35 And I just use everybody's first name, get informal. Jen, Pam, Michele, do you guys have anything
36 that you want to add or not before we go ahead go to our recommendations, objectives, and these
37 next steps?

38

39 Ms. Maydan: Thank you, Chair. Nothing, nothing to add on our end besides just thanking all of
40 you Commissioners for all of your hard work and dedication on this. I know you've got one more
41 step, your vote. But we really do appreciate the time and the effort that you've put into this process.
42 I know it's above and beyond your normal meetings, and we very much appreciate it.

43

44 Mr. Carnicelli: Thank you.

45

1 Ms. La Costa: Back at you.

2
3 Mr. Carnicelli: Exactly. Yeah, the countless, countless hours that you guys have put in. Pam, you
4 got anything else you want to add?

5
6 Ms. Eaton: No, I just, I just want to thank you all for your time. And I also want to thank the CPAC
7 members that also followed this and provided testimony. So they spent their CPAC time plus this
8 time. So just really appreciate the time and all the effort you guys put in. Thanks, Lawrence. I
9 mean, Mr. Carnicelli.

10

11

12 **C. MAUI PLANNING COMMISSION RECOMMENDATIONS: FINAL MOTION FOR**
13 **APPROVAL**

14

15 Mr. Carnicelli: That's my dad. Okay, so guys, one thing that I did put in here, and it's kind of just,
16 you know, as a step moving forward is it says the Planning Commission recommends for final
17 motion of approval. Because I had several of the CPAC members expressed to me that they voted
18 to move the plan on, but they didn't vote whether they're approving the plan. Because there's
19 been you know, certain people have come forward, you know, the different people have testified
20 that, oh, this is the community's plan and don't change what CPAC did. And it's almost like there's
21 this view that this was -- there was a consensus in the community to come up with this document.
22 And it wasn't. And that's okay. That's actually good. Like I've said before, to me, I like five-four
23 votes sometimes because it means we really chewed on it, and deliberated it, and we try to get,
24 you know, what's best. And so because they never voted on whether they're approving it or not,
25 because it might have been, you know, like, okay, we're not approving it, but we're sending it to
26 Council, it would have come to us much differently had that been the case, right? If it would have
27 been voted on. Are you approving this plan? Do you agree with it? And let's say that was a six-
28 seven and then they'd also then voted to transmit it to us 13-0, we would look at it differently. So
29 I just think that, that I wanted to add that step to this because of that, and so in future generations,
30 when they go to Kihei, and then Central, and everything like that, that can be part of the process.
31 So and if we voted, you know, right now, eight-oh, it doesn't matter. I just kind of want to include
32 that as the process of just saying, hey listen, are we approving the plan? And then we'll, you know,
33 set to, to move it on.

34

35 So any final changes before we talk about that? Okay, so at this point in time I'm going to -- I'll
36 make the motion to approve the plan as changed in all of our meetings, and as documented on
37 the record, and scribed by Ms. Maydan. Can I have a second? Seconded by Commissioner La
38 Costa. So all those in favor to adopt the, let's say, final recommendation as changed, please raise
39 your hands.

40

41 **It was moved by Commissioner Lawrence Carnicelli, seconded by Commissioner P. Denise**
42 **La Costa, then unanimously**

43

44 **VOTED: To approve the plan as amended, discussed, and as documented on the**
45 **record.**

1 (Assenting: S. Castro, J. Edlao, K. Freitas, P. La Costa, K. Pali, C. Tackett, D. Thompson)
2 (Excused: M. Hipolito)

3

4 Mr. Carnicelli: All right. Let the record show that it is unanimous. And so at this point in time, we
5 will go ahead and vote to then transmit this to County Council. And to think that we're going to
6 have just regular meetings from here on out. So all those in favor of moving this onto County
7 Council, transmitting it, please raise your hands.

8

9 **And then unanimously,**

10

11 **VOTED: To transmit the West Maui Community Plan to the Maui County Council.**

12 (Assenting: S. Castro, J. Edlao, K. Freitas, P. La Costa, K. Pali, C. Tackett, D. Thompson)

13 (Excused: M. Hipolito)

14

15 Mr. Carnicelli: Let the record show that that's also unanimous. So whether it's Jen and, or
16 Director, steps from here, anything else that we need to say?

17

18

19 **D. NEXT STEPS IN THE WEST MAUI COMMUNITY PLAN UPDATE PROCESS.**

20

21 Ms. Maydan: Just very briefly, our next steps are to officially make all of the changes in the draft
22 plan, transmit to the County Council prior to the deadline of January 23rd. The draft will be
23 available online for the public to view and download. We'll notify the agencies that it's available
24 so they can have a review of it. And then we'll go forward and participate in the Council review
25 process, and they have up to a year to review and adopt a plan. And again, thank you,
26 Commissioners, for all your hard work.

27

28 Mr. Carnicelli: Commissioner Edlao?

29

30 Mr. Edlao: Just a comment. I just want to thank everybody for the hard work, and also to wish
31 everybody a Merry Christmas and Happy New Year, and be safe through the holidays. And see
32 you guys back in January.

33

34 Mr. Carnicelli: Yeah.

35

36 Ms. La Costa: Mele Kalikimaka.

37

38 Mr. Carnicelli: Pam, Jen, we did it, Michele.

39

40 Ms. McLean: Yeah, you did a great job, you guys. And also Pam and Jen, thank you so much for
41 everything you did. And I'm noticing there are 45 people still on this call, so thanks to the CPAC
42 members and the members of the public who have followed this all the way through. We will see
43 you soon at Council.

44

1 Mr. Carnicelli: Right, and I too, it's interesting, I kind of almost have a heavy heart. I feel like I'm
2 breaking up with Jen and Pam. I'm not going to see you guys all the time now.

3
4 Ms. Eaton: Ha, ha. Hey, you're also breaking up with Kate and Sean.

5
6 Mr. Carnicelli: That's, that's right. Yeah, but they kind of . . . (inaudible) . . . No, but they're sort of
7 cheating on me with the South Maui Community Plan, so I don't know how I feel about that.

8
9 Ms. Eaton: Are you going to apply to be on CPAC there, Lawrence, don't you live in South Maui?

10
11 Mr. Carnicelli: Oh, no, no. But I guess, I think, I would be remiss if I didn't also thank all of the
12 CPAC members for all the heavy lifting they did. Like when we started this whole thing, we did
13 say these are the edits than it is the author. They authored the plan. You know, we had --. They
14 did 37 meetings, we did nine, you know. And they're not going to like some of the things we did
15 and whatever it is, and that's just part of the process. So I just, I just wanted mahalo all of the
16 CPAC members and all of the people that showed up. I mean, I think there was, what, a group of
17 nine or 10 that was at every single CPAC meeting, you know, the diehards, all those people.
18 Everyone, you know, not just Sean and Kate, but, you know, everyone that showed up behind the
19 scenes and did everything all along the way. You know, it's, I don't know, I guess I'm, I'm kind of
20 like stuttering and stammering over my words because almost like as much as I'm glad that this
21 is over, I have a heavy heart that it's ending. So anyways, just thank you to everybody. I appreciate
22 it. Commissioner La Costa, go ahead.

23
24 Ms. La Costa: I'd also like to shout out to our Chair Carnicelli for wonderful meetings, keeping us
25 on track, slapping our hands when we need it, and you know, for just being incredibly professional.
26 And to Kai Nishiki who was the Chair of CPAC. She did a pretty incredible job with that. Not an
27 easy task. So Mele Kalikimaka, mahalo nui loa, and aloha.

28
29 Mr. Carnicelli: Thank you, everyone. The Maui Planning Commission meeting of December --
30 Maui Planning Commission Special Meeting of December 8th, 2020 West Maui Community Plan
31 is now adjourned.

32
33 **E. ADJOURNMENT**

34
35 The meeting was recessed at approximately 7:51 p.m.

36
37
38 Respectfully Submitted by,

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43 LEILANI A. RAMORAN-QUEMADO
44 Secretary to Boards and Commissions II
45 For CAROLYN TAKAYAMA-CORDEN

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RECORD OF ATTENDANCE

Present

- Lawrence Carnicelli, Chair
- Stephen Castro
- Jerry Edlao
- Kawika Freitas
- P Denise La Costa
- Kellie Pali
- Christian Tackett, Vice Chair
- Dale Thompson

Excused

- Mel Hipolito

Others

- Michele McLean, Director, Department of Planning
- Pam Eaton, Long Range Division Planning Program Administrator
- Jennifer Maydan, Supervising Planner
- Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel (on-call)